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He has no legal interest, but merely a hope or expectation. See *Ex parte Sheffield* (1). The same Court in *In re Leadbitter* (2), decided that, although an insolvent was entitled to the surplus, he was not a party interested in the costs of an insolvency proceeding. JAMES, L. J., said " a bankrupt can do nothing to embarrass the administration of the estate. The mischief would be enormous." We think that this observation applies with even greater force in India where the facilities for appeal and delay are greater. We hold that the insolvents in this case were not " persons aggrieved " within the meaning of sections 22 and 46 of the Provincial Insolvency Act, and upon this ground the appeal must be dismissed. We dismiss it accordingly with costs.

Appeal dismissed.

Before Sir Henry Richards, Knight, Chief Justice, and Justice Sir Pramada Charan Banerji.

GUDDAR MAL (DEFENDANT) v. HET RAM (PLAINTIFF).*

High Court. General Rules of— for Civil Courts, Chapter XXI, rule I—Certificate of fee— " Authorized agent."

A fee certificate filed by a pleader under rule 1 of Chapter XXI of the General Rules for Civil Courts was duly sworn to by the pleader and by a person who had actually paid the fee and who stated that he was the agent (or *karinda*) of the client.

Held that the certificate was in sufficient compliance with the rule, and there was no necessity that the agent of the client should be " authorized " in any special manner.

In an appeal before the District Judge of Agra the respondent's pleader filed a certificate in respect of the fee which had been paid to him by his client, along with an affidavit made by a person who purported to be a *karinda* of the client, and stating that he had paid the said fee on behalf of the said client. No general or special power of attorney was produced by the *karinda*, nor was he asked to produce any. The appeal was dismissed with costs by the District Judge. In computing the costs, however, the court refused to allow the pleader's fee on the ground that a mere *karinda* was not an " authorized agent " within the

* Second Appeal No. 1910 of 1916, from a decree of D. R. Lyle, District Judge of Agra, dated the 7th of July, 1916, confirming a decree of P. K. Roy, Subordinate Judge of Agra, dated the 22nd of June, 1915.

(1) (1879) 10 Ch. D., 434.

(2) (1878) 10 Ch. D., 888.

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meaning of Rule 1 of Chapter XXI of the General Rules (Civil) for Civil Courts subordinate to the High Court of the North-Western Provinces. The material portions of that rule are as follows:—" . . . No fee to any legal practitioner . . . shall be allowed on taxation between party and party or shall be included in any decree or order . . . unless . . . there shall have been delivered to the Munsarim a certificate signed by the legal practitioner certifying the amount of the fee or fees actually paid to him . . . by or on behalf of his client, together with an affidavit made by such client or his authorized agent." The respondent in the District Court filed an appeal to the High Court regarding the refusal of the pleader's fee.

The Hon'ble Munshi *Narayan Prasad Ashthana*, for the appellant:—

The words "authorized agent" in the rule do not mean an agent whose authority should appear in writing. The authorization may be oral. If a person swears that he is the agent of a party, and there appears no *prima facie* reason to disbelieve him, his affidavit in respect of the pleader's fees paid by him should be held sufficient under the rule. An agent may be authorized only to pay the pleader's fees or only to swear the affidavit; it is not necessary that he should have looked after the whole litigation. Any abuse of the rule by an unauthorized person can be checked at once by showing that he is not really an agent or that he is not acting *bona fide*.

Mr. *J.M. Banerji*, for the respondent:—

The word "authorized" was intentionally used, and "authorized agent" means something more than a mere agent or *karinda*. As to the sense in which term "authorized" is to be understood, reference may be made to order VI, rule 14, of the Code of Civil Procedure, which provides that a pleading is to be signed either by the party himself or by a duly authorized person; and under that rule an ordinary *karinda* is not allowed to sign a pleading, and a general or special power of attorney is insisted on. If the person making the affidavit as to the payment of the pleader's fee has no authority in writing, he must at least show that in that particular case he was specifically authorized to pay the fee, or had done something on behalf of the party at some previous stage.

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of the case, otherwise the rule was likely to be abused by unscrupulous persons.

RICHARDS, C. J., and BANERJI, J.:—In this case the court below refused to allow the fee of the successful respondent's pleader. It appears that the pleader in the case filed a certificate that he had duly received his fee. An affidavit was also filed by a man who purported to be a *karinda* of the respondent, and in this affidavit the *karinda* swore that he had duly paid the fee and that he had not entered into any arrangement to get back the whole or any part of the same. The learned Judge seems to have thought that having regard to rule I, chapter XXI, of the General Rules for Subordinate Civil Courts, the court was not entitled to allow the fee in question. The rule provides that a certificate should be filed by the legal practitioner together with an affidavit made by his client or the latter's "authorized" agent. The word "authorized" does not appear in the corresponding rule of the High Court. It seems the word is rather redundant. A man cannot be the agent of another unless he is "authorized." It is not contended that the authority to pay the fee and to make the affidavit must be in writing. We think that the affidavit in this case *prima facie* at least complied with the rules and, in the absence of other circumstances, the certificate of the pleader accompanied by the affidavit in question was a sufficient compliance with the rule. We allow the appeal and direct that the decree of the court below be amended by allowing the fee of the pleader. As this question was not raised by the opposite party, but by the court itself, we make no order as to costs. As the respondent has not paid court fees, we reject the objection.

Appeal allowed.

TESTAMENTARY JURISDICTION.

Before Sir Henry Richards, Knight, Chief Justice, and Justice Sir Pramada Charan Banerji.

IN THE GOODS OF D MOINTYRE*.

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Act No. I of 1872 (Indian Evidence Act), sections 38 and 45—Foreign law—
Nature of evidence required to establish a point of foreign law—Will—
Holograph will executed in India by a person of Scotch domicile.

A holograph will executed in India by a person whose domicile is Scotch is a valid testamentary document.

* Testamentary Case No. 16 of 1917.