

APPEAL FROM ORIGINAL CIVIL.
Before Sir Henry Rattigan, Chief Justice and
Mr. Justice Dundas.

1919

May 27.

KHAIRA (INSOLVENT)—APPELLANT,
Versus

SALEM RAJ, ETC.—RESPONDENTS.

Civil Appeal No 2341 of 1917.

Appeal from order confirming an auction sale of a house belonging to an insolvent—omission to implead auction purchasers as respondents—effect of such omission.

Held, following *Mela Ram v. Narain Das* (1), that an appeal against an order confirming an auction sale, to which the auction-purchasers were not made parties till long after the appeal was time-barred as against them, should be dismissed.

Miscellaneous First Appeal from the order of P. J. Rust, Esquire, Senior Subordinate Judge, Ferozepore, dated the 30th January 1917.

B. D. KURESHI, for Appellant.

FAKIR CHAND, for Respondents.

The judgment of the Court was delivered by—

DUNDAS, J.—This is an appeal from the order of an Insolvency Court confirming an auction sale of a house belonging to the insolvent.

The appeal is by the insolvent on the ground that his house is not liable to attachment and sale.

But when filing the appeal his counsel omitted to make the auction-purchasers parties to the appeal although they were obviously necessary parties, and it would be impossible to accept the appeal without calling upon them and hearing them.

It was not until considerably after a year that an application was made to add them as parties, and the appeal is obviously time-barred as against them.

In a similar case, *Mela Ram versus Narain Das* (1), the appeal was dismissed, and we see no reason to follow any other course in the present case.

The appeal is dismissed with costs.

Appeal dismissed.