

## APPELLATE CIVIL.

Before Mr. Justice Chevis and Mr. Justice Campbell.

RAN SINGH (PLAINTIFF)—*Appellant*,

*versus*

RULLIA (JUDGMENT-DEBTOR)  
GANGA RAM (AUCTION-PURCHASER) } *Respondents.*  
AND CHANAN (DEFENDANTS)—

Civil Appeal No. 800 of 1917.

*Execution of decree—sale of judgment-debtor's property, purchased by an outsider—whether reversioners of judgment-debtor can get the sale declared invalid for want of necessity.*

M. R. obtained a decree against R. for Rs. 573, and in execution of the decree R's house was put up to auction and purchased by Ganga Ram. R. S., the son of R., sued for a declaration that the sale should not affect his reversionary rights, there being no necessity for his father standing surety for the debt in respect of which the decree was passed.

*Held*, that where an alienee, who is an outsider, finds that the alienor's debt is a decretal debt, he need not make any further inquiry and the reversioners will not be allowed to go behind the decree.

This rule is, however, not applicable where it is clear that the alienee's suspicions should have been aroused by the surrounding circumstances or where it is proved that he actually had knowledge of the bad faith of the decretal transaction.

*Umar Din v. Budhe Khan* (1) followed.

*Second appeal from the decree of J. A. Ross, Esq., District Judge, Ludhiana, dated the 13th August 1915, affirming that of Lala Shibbu Mal, Subordinate Judge, 1st Class, Ludhiana, dated the 10th December 1914, dismissing plaintiff's suit.*

BADR-UD-DIN, KURESHI, for Appellant.

DHARAM DAS, SURI, for Respondent.

The judgment of the Court was delivered by—

CHEVIS, J.—Milkhi Ram obtained a decree against Rullia for Rs. 573 and in execution of the decree a house belonging to Rullia was put up to auction and purchased by Ganga Ram for Rs. 730. Ran Singh, son of Rullia, has brought this suit for a declaration

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that the auction-sale shall not affect his reversionary rights on the death of his father, the judgment-debtor. The Lower Courts having dismissed the suit, Ram Singh has lodged a second appeal to this Court.

In appeal it is urged on behalf of the plaintiff-appellant that Milkhi Ram's suit was brought against both Rullia and one Partapa, that the claim was on a bond, and that Partapa was the principal debtor while Rullia was merely a surety, and it is also urged that there was no necessity for Rullia to stand surety and that the debt should not affect the plaintiff's reversionary rights. There is, no doubt, some force in these arguments, but *Umar Din v. Budhe Khan* (1) is an authority for the proposition that where an alienee, who is an outsider, finds that the alienor's debt is a decretal debt, he need not make any further inquiry, and the reversioners will not be allowed to go behind the decree; though this rule does not apply where it is clear that the alienee's suspicions should have been aroused by the surrounding circumstances, or where it is proved that he actually had knowledge of the bad faith of the decretal transaction. Now, in this case there is no proof whatever that Ganga Ram had any knowledge that Rullia was merely a surety. So far as appears Ganga Ram knew merely that the house belonged to Rullia and that it was being auctioned in execution of the decree passed against Rullia. We fail to see that there was any necessity for him to make further inquiries regarding the circumstances which led to the decree being passed.

Following the judgment above quoted we hold that the plaintiff cannot go behind the decree and we uphold the orders of the Lower Courts dismissing the suit and dismiss the appeal with costs.

A. N. C.

*Appeal dismissed.*