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document sued on was payable to bearer, the plaintiff could not recover upon it. I do not know upon what reasoning that assumption is based. Section 25 of the Currency Act does not seem to warrant it. That section renders it illegal to "draw, accept, make or issue any bill of exchange, &c., for the payment of money payable to bearer on demand, or to borrow, owe or take up money on such bills, &c." It does not, in terms, say that the holder of such a bill cannot recover upon it, nor does the object of the Act render it likely that the Legislature intended that result. The object was to prevent banks and private persons from infringing the Government monopoly, and not apparently to punish the innocent holders of notes issued in breach of the law, and *pro tanto* to protect the banks and the private persons who have illegally issued the instruments. A contrary assumption was certainly made by the Court of Queen's Bench in England when dealing with the case of *Attorney General v. Birkbeck*⁽¹⁾, but as the question was not argued before us I do not pursue the subject further.

Attorneys for the plaintiffs:—Messrs. *Chalk, Walker and Smetham*.

Attorney for the defendant:—Mr. *H. S. Dikshit*.

(1) 12 Q. B. D., 605.

APPELLATE CIVIL.

Before Sir Charles Sargent, Kt., Chief Justice, and Mr. Justice Birchwood.

LACHMICHAND HIRA'CHAND AND ANOTHER, APPLICANTS, v.
 TUKA'RÁ'M AND ANOTHER, OPPONENTS.*

Execution—Property attached and ordered to be sold—Person holding a claim—Application, form of—"Circular Orders"—High Court's Civil Circular No. 90 (c)—Court fee—Court Fees' Act (VII of 1870), Sch. II, No. 1—Notice to the judgment-debtor.

A person holding a claim on property ordered to be sold in execution of a decree is required to make the application contemplated in the High Court's Civil Circular No. 90 (c), page 50, of the "Circular Orders." The application must be in writing and bear the proper fee prescribed by Schedule II, No. 1.

*Civil Reference No., 20 of 1891,

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of the Court Fees' Act (VII of 1870). The Circular does not require any notice to be served on the judgment-debtor. Whether he is bound by the order passed in the proceedings, must depend on the facts of each case.

THIS was a reference made by Ráo Sáheb Mahádeo Shridhar Kulkarni, Second Class Subordinate Judge of Amalner in the Khándesh District, under section 617 of the Civil Procedure Code (Act XIV of 1882).

Certain lands were attached and ordered to be sold in execution of a decree, and while the inquiry under section 287 of the Civil Procedure Code was going on, two persons, named Pralhad Nánáji and Govind Damodar, claiming to hold the lands in mortgage, presented statements containing the particulars of their claim on plain paper. The Subordinate Judge, thereupon submitted the following questions for the opinion of the High Court:—

“(1) Whether a person holding a claim on property ordered to be sold in execution must inform the Court of his claim by means of a regular application ?

“(2) Whether the application must bear a stamp, and whether it should be stamped according to the value of the claim, or the amount for which the *darkhást* is made, or whether a stamp of eight annas would in all cases be appropriate ?

“(3) Whether the application must be numbered and registered as requiring judicial investigation, and a notice served on the execution creditor and debtor ?”

The opinion of the Subordinate Judge on the first point was that no application was necessary ; on the second, that, as no application was necessary, there was no necessity for stamp ; if, however, a stamp be considered necessary, it should be according to the value of the claim ; and on the third, it was not necessary to number and register the application as one requiring judicial investigation, and to serve a notice on the execution creditor and debtor.

There was no appearance for the parties in the High Court.

BIRDWOOD, J.:—The only application which the claimant is required to make is the application contemplated in the High Court's Civil Circular No. 90 (c) at p. 50 of the “Circular

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Orders." That application must be in writing and bear the proper fee prescribed by Schedule II, No. 1 of the Court Fees' Act, 1870. The Circular does not require any notice of the claim to be served on the judgment-debtor. Whether he is bound by the order passed in the proceedings, must depend on the facts of each case—*Shivápa v. Dod Nagaya*⁽¹⁾.

Order accordingly.

(1) I. L. R., 11 Bom., 314.

APPELLATE CIVIL.

Before Sir Charles Sargent, Kt., Chief Justice, and Mr. Justice Birdwood.

GULÁBCHAND MOTIRÁM, PLAINTIFF, v. CAPTAIN GEORGES,
DEFENDANT.*

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December 22.

Cantonment Court of Small Causes—Cantonments Act (XIII of 1889), Secs. 2 (cl. 2), 10—Jurisdiction—Order of the Local Government to the contrary—Pecuniary limits of jurisdiction of Cantonment Court—Cantonments Act (III of 1880), repeal of.

Under section 10 of the Cantonments Act (XIII of 1889) the Cantonment Judge has jurisdiction up to Rs. 500 only, in the absence of any order of the Local Government to the contrary.

In a suit filed in the Court of the First Class Subordinate Judge of Belgaum, in its small cause jurisdiction, to recover Rs. 172 as arrears of rent, a question having arisen whether that Court, the pecuniary limit of whose jurisdiction as the Court of Small Causes was Rs. 500, or the Court of the Belgaum Cantonment Magistrate invested with small cause powers had jurisdiction to entertain the suit,

Held that the Cantonment Court alone had jurisdiction.

By Notification No. 2305, published at page 314 of the *Bombay Government Gazette* for 1887, the pecuniary limit of the Belgaum Cantonment Court is declared to be Rs. 200; and the declaration which was made under Act III of 1880, (which is an Act repealed by the Cantonments Act XIII of 1889), is kept alive by section 2, clause 2, of the Cantonments Act, and it is, therefore, such an order of the Local Government as is contemplated by section 10 of Act XIII of 1889.

THIS was a reference by Ráo Bahádúr Gopál Vináyak Bháuap, First Class Subordinate Judge of Belgaum, under section 617 of the Civil Procedure Code (Act XIV of 1882).

The facts, which gave rise to the reference, were as follows:—

One Gulábchand Motirám, residing within the limits of the Belgaum Cantonment, instituted a suit in the Court of the First

* Civil Reference, No. 19 of 1891.