

*Before Mr. Justice Thear.*

HARONARAYAN v. MANIK SING.

*Proof of a Decree of the Small Cause Court by a Copy of the Record duly certified.* 1871  
Sept. 17

THIS was a suit on a decree of the Small Cause Court. The question arose as to how the record of the proceedings in the Small Cause Court was to be proved.

Mr. Lowe appeared for the plaintiff.

The suit was undefended.

PHEAR, J.—A copy of the record duly certified by the Clerk of the Court, if it appears from such copy that the original has been duly authenticated by the Judge, would be sufficient in cases of this kind.

*Before Mr. Justice Phear.*

HIRALAL SEAL v. SCHILLER AND OTHERS.

*Leave granted to Official Assignee under Rule 25 of the Insolvent Court to defend a suit without Paying Court Fees.* 1871  
Aug. 28.

The Official Assignee of the Insolvent Court having been made a party to this suit as assignee of the estates of Aga Mahomed Hossein Sherazi and T. S. M. Brewer, Insolvents, presented his petition under the 25th rule (1) of the Insolvent Court, praying for leave to appear and defend this suit, without the payment of fees of office to the officers of the Court, and stating in his petition that he had assets in his hands belonging to the estate of T. S. M. Brewer, Rs. 40-9-2, and no more, and assets belonging to the estate of A ga Mahomed Hossein Sherazi, Rs. 8-4, and no more.

PHEAR, J. (having taken time to consider the application), said that he considered the application was within the spirit of the rule, and made the order as prayed. The officers' fees to be a primary charge on, and payable out of the assets recoverable in this suit.

(1) *Rule 25.*—The Official Assignee shall be at liberty to apply to the Supreme Court, or to the Insolvent Court, to permit him to proceed in equity or at law or in the ecclesiastical or admiralty jurisdiction, or to defend any suit or action or take or defend any proceedings without the payment of any fees of office to the officers of the Supreme Court or Insolvent Court, in respect of any demand, or right against or belonging to any insolvent estate wherein no assets have been received and wherein there are no assets expected or recoverable, except such as shall be the subject of such suit or action. Provided always that such fees shall be a primary charge on, and payable out of, the assets recovered therein.