Before Mr. Justice Macpherson.

1871
January 16. GOPIND CHUNDER DUTT *v.* KHERODE CHUNDER MITTER.

Act VIII of 1859, *s.* 239—*Service of prohibitory Order by affixing it to Wal of Dwelling-house.*

THIS was an application by Mr. Woodroffe, on behalf of the plaintiff, for the appointment of a manager, under s. 243 of Act VIII of 1859, to get in certain moneys of the defendant alleged to have been attached by the plaintiff in the hands of one Punchanun Mitter. It appeared on the affidavits that the prohibitory order attaching the said moneys had been served on Punchanun Mitter by affixing the same to the wall of his dwelling-house.

Mr. *Evans*, for Panchanum Mitter, contended that there was no binding attachment.

MACPHERSON, J., refused the application with costs, on the ground that there was no binding attachment, inasmuch as the order had not been served by delivery, or by registered letter, as provided by s. 239 of Act VIII of 1859.

Before Mr. Justice Kemp and Mr. Justice Glover.

1872
July 17. BHOOBUN MOHUN MONDUL AND ANOTHER (JUDGMENT-DEBTORS) *v.* NOBIN CHUNDER BULLUB (DECREE-HOLDER).*

Act VIII of 1859, *s.* 200—*Decree for the Performance of a particular act by the Judgment-debtor—Execution.*

ONE Nobin Chunder Bullub had obtained a decree that "the defendants do, within six weeks after service upon them of this decree, remove the obstruction and re-open the pathway or lane leading from the north-west end of the plaintiff's house northwards to a public road, as the same existed before the commencement of the suit, and as described in the plaint." The decree-holder made several attempts to execute this decree, and, was on each occasion, met with objections by the judgment-debtors. In April 1872, the Moonsiff ordered the Ameen to execute the decree by causing the obstruction to be removed. Against this order the judgment-debtors appealed to the District Judge, who, on the 26th of April, upheld the Moonsiff's order.

*Miscellaneous Special Appeal, No. 133 of 1872, from an order of the Judge of the 24-Pergunnahs, dated the 26th April 1872, affirming an order of the Moonsiff of that district, dated the 8th April 1872.