

daut, property was attached and sold and everything was right. But this being a recurrence of a similar report on a similar matter and in the absence of any precedent on the subject, I declined to pass an unconditional order for breaking open the defendant's room, but that the room will be watched over by the Amiu by his putting in another lock of his to the said room so that any property may not be removed therefrom and that the room in question will be broken open contingent upon the order of the Honorable the Chief Justice and Judge of the High Court in this matter.

1870.
February 11.
R. C. No. 5
of 1870.

3. The question submitted for the decision of the Court is "whether houses and rooms, &c. locked up by the debtors or their representatives may be broken open for the purpose of taking moveable property for attachment in satisfaction of the decrees of the Courts, under Section 214 of the Civil Code."

The Court delivered the following

JUDGMENT:—We are clearly of opinion that a person executing a process directing a general attachment of moveable property having gained access to a house has a right to remove the lock from the door of a room in which he has reasonable ground for supposing moveable property to be lodged.

Appellate Jurisdiction. (a)

Referred Case No. 8 of 1870.

JANAKIAMMAL *against* VITHENADIEN and 2 others.

A suit to establish the plaintiff's right to the exclusive possession of personal property of which the plaintiff and her husband had been dispossessed by actual seizure in execution of a decree against the plaintiff's husband is cognizable by a Small Cause Court.

THIS was a case referred for the opinion of the High Court by T. Ganapathy Iyer, the District Munsif of Tranquebar in Suit No. 282 of 1869.

1870.
February 14.
R. C. No. 8
of 1870.

The facts of the case are as follow:—

Plaintiff's husband Naranappien owed defendants a judgment debt.

(a) Present: Scotland, C. J. and Innes, J.

1870.
February 14.
B. C. No. 8
of 1870.

1st defendant got certain jewels and brass vessels attached as the property of the said Naranappien and plaintiff laid claim to them in the execution case, stating that the property zuffed was her stridhanum; but she failed to adduce evidence in support of her claim on the day appointed. The petition was consequently thrown out and the sale ordered. Before the sale could take place, she brings this suit on the Small Cause Side of the Court and prays that the attachment may be raised, and the jewels, &c., awarded to her.

The case came on for trial on the 20th instant and I set it down for reference to the High Court, because I doubted whether I could entertain on the Small Cause Side of the Court a suit to raise the attachment of property.

The question therefore I wish respectfully to submit for the opinion of the Honorable the Judges of the High Court is

Whether a suit to raise the attachment of personal property and for the recovery of the same can be brought on the Small Cause Side of the Court.

No counsel were instructed.

The Court delivered the following

JUDGMENT:—The suit is founded upon the plaintiff's alleged right to the exclusive possession of certain personal property of which the plaintiff and her husband have been dispossessed by actual seizure and the substance of the relief sought is the establishment of that right. The setting aside the attachment is merely consequent upon the establishment of the right. The claim therefore is "one for personal property" and, as such, is cognizable we think by a Court of Small Causes.
