

APPELLATE CIVIL.

Before Mr. Justice Rampini and Mr. Justice Sharfuddin.

1908
Feb. 12.

KESHOBATI KUMARI

v.

MACGREGOR.*

Receiver—Receiver's accounts—Directions as to, if appealable—Civil Procedure Code, ss. 503, cl. (f), and 588, cl. 24.

Directions given by a Court in passing receiver's accounts are not appealable.

APPEAL by the petitioner.

W. O. Macgregor, the defendant-respondent, was appointed by the Court the receiver of the Hundwa Estate, and acted as such from the 22nd December 1905 to the 4th July 1906, on which date he was dismissed by the Court. But W. O. Macgregor continued to act as the receiver up to the 24th October, the date on which he actually made over charge to the agents of Rani Keshobati, the petitioner.

On the 31st October, 1906, Rani Keshobati Koer filed a petition in the Court of the District Judge, Santal Parganas, charging Mr. Macgregor with mismanagement of the Hundwa Estate in his capacity as *ad interim* receiver.

The Deputy Commissioner of Dumka by his order (dated the 26th February, 1907) on the petition passed the accounts and gave certain directions as to further examination of certain items of the account.

The petitioner, being dissatisfied with this order directing further examination, has appealed.

Babu Joygopal Ghosh for the respondent took a preliminary objection to the hearing of the appeal, contending that no appeal lay under ss. 503 and 588 of the Civil Procedure Code—

* Appeal from Order, No. 95 of 1907, against the order of H. W. Scroope, District Judge of Santal Parganas, dated the 26th of February, 1907.

Directions by the Court may be necessary, but they are not appealable.

Babu Luchmi Narain Singh for the appellant. Section 588 of the Civil Procedure Code is comprehensive, but vague.

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RAMPINI AND SHARFUDDIN, JJ. This appeal purports to be against an order of the Deputy Commissioner of Dumka, dated the 26th February, 1907, in respect of certain accounts filed before him by a gentleman, who had been appointed *ad interim* receiver to a certain estate. This receiver has now been removed from the management and has submitted his accounts to the Deputy Commissioner, who has considered the accounts and given certain instructions with regard to them. Now the petitioner Rani Keshobati Kumari has appealed to this Court, saying that she is not satisfied with the order passed by the Deputy Commissioner on the 26th February, 1907.

A preliminary objection has been taken by the respondent to the hearing of the appeal, namely, that no appeal lies. The pleader for the would-be appellant maintains that the order of the Deputy Commissioner is appealable under clause 24 to section 588 of the Code of Civil Procedure. Clause 24 of that section gives an appeal against orders under section 503 of the Code of Civil Procedure. Now, the orders, which appear to be appealable under section 503, are of four classes, *first*, orders appointing a receiver, *secondly*, orders removing a person, in whose possession or custody the property may be, from the possession or custody thereof, *thirdly*, orders committing property to the custody or management of a receiver, and, *fourthly*, orders granting to such receiver such fee or commission on the rents and profits of the property by way of commission as the Court thinks fit.

The learned pleader for the appellant contends that the order, which the Deputy Commissioner has passed, comes under clause (f) of section 503. But clause (f) of section 503 occurs in that part of the section, which enumerates the receiver's liabilities; and it does not, it seems to us, contemplate the passing of any orders by the Court. This clause says that "every receiver so appointed shall pass his accounts at such periods and in such form as the

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Court directs. No doubt, in passing the receiver's accounts, the Court may have to give certain directions; but it does not appear to us that these directions are subject to an appeal to this Court under section 588, clause (24) of the Civil Procedure Code.

We therefore dismiss this appeal with costs.

Appeal dismissed.

S. M.