

(1911) 06 PRI CK 0001

In the Privy Council

Ko Tha Hnyin

APPELLANT

Vs

Ma Hnin I

RESPONDENT

Date of Decision : 13-06-1911

Acts Referred:

Citation : (1911) 38 ILRPC 717

Hon'ble Judges : Macnaghten, Shaw, Mersey, Ameer Ali, JJ.

Judgement

Macnaghten, J. 1. Their Lordships are of opinion that the judgment under appeal is right. If the appellant had applied for leave to appeal, and his application had been refused, there could not have been any appeal. It is a matter of administration. 2. The point was expressly decided at Calcutta in the year 1886, and there is no authority impugning that decision. The point was raised there, and it was decided by the High Court that no appeal lies "from an order refusing to give a decree-holder permission to purchase at a sale held in execution of a decree." 3. Their Lordships will therefore humbly advise His Majesty that this appeal ought to be dismissed. There is no appearance by the respondent so that there will be no order as to costs.