

(1911) 06 BOM CK 0008
In the Bombay High Court

Ko Tho Hnyin

APPELLANT

Vs

Ma Hnin I.

RESPONDENT

Date of Decision : 13-06-1911

Acts Referred:

Citation : (1911) 13 BOMLR 694

Hon'ble Judges : Shaw, J;Mersey, J;Macnaghten, J;Ameer Ali, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

Macnaghten, J.—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 Jodoonath Mundul v. Brojo Mohun Ghose* ILR (1886) Cal. 174 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.