

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of Ko
Tha Hnyin v. Ma Hnin I, from the Chief
Court of Lower Burma; delivered the 13th
June 1911.*

PRESENT AT THE HEARING :

LORD MACNAGHTEN.

LORD SHAW.

LORD MERSEY.

MR. AMEER ALI.

[DELIVERED BY LORD MACNAGHTEN.]

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.

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."

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.

In the Privy Council.

KO THA HNYIN

2.

MA HNIN I.

DELIVERED BY LORD MACNAGHTEN.

LONDON:

PRINTED BY FYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

1911.