

FERNANDO v. DE SILVA.

D. C., Colombo, 3,114.

1896.

*November 3
and 24.*

Practice—Taxation of prospective costs—Irregularity—Revision by District Judge of taxed bill of costs—Civil Procedure Code, s. 214.

Semble, that it is irregular to tax in a bill, as prospective costs, charges for work not yet done.

THE plaintiff in this case appealed from an order of the Acting District Judge of Colombo disallowing his application for execution of the decree.

Sampayo, for appellant.

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24th November, 1896. LAWRIE, J., in dismissing the appeal observed as follows :—

The attention of the Court is directed to the bill of costs, which was taxed by the Secretary of the District Court. That taxation has not been referred to the District Court for revision as may be done under section 214. We notice that the bill contains charges for work which confessedly has not been done. The appellant's counsel said that it was an inveterate custom to put prospective costs in every bill, and that these were by universal practice taxed by the taxing officer. We were not referred to any authority for this practice. Should the matter hereafter come before us we shall scrutinize strictly a practice which, at first sight, seems unjustifiable by the Code.

This appeal is dismissed. The plaintiff may (if he can) make an application in proper form.

BONSEE, C.J.—

I agree that the appeal should be dismissed, and with the observations of my brother Lawrie as to the taxation of prospective costs.
