

MATTICHCHAN v. MATTICHCHAN.

420—D. C. Matara, 8,836.

Appeal—Bond hypothecating money deposited—Registration not necessary.

H. J. C. Pereira, K.C. (with him Croos-Dabrera and Cader), for appellant.

E. W. Jayawardene (with him Zoysa and Mendis), for respondents.

September 21, 1921. ENNIS J.—

In this case a preliminary objection has been taken on the ground that the bond hypothecating the amount deposited as security for the appeal has not been registered.

In my opinion section 757 does not go so far as to require the registration of the bond, and Ordinance No. 8 of 1871 does not apply, inasmuch as under that Ordinance a deposit of property is sufficient by itself to give validity to the hypothecation without a bond. The bond is merely required under section 757 of the Civil Procedure Code.

I accordingly overrule the objection.

SCHNEIDER J.—I agree.

¹ 1 C. L. Recorder 26.

² (1921) 23 N. L. R. 453.