

ARUNASALAM v. RAMANATHER.

1921.

230—C. B. Kayts, 5,141.

*Hypothecation of money deposited.*

*Rajaratnam* (with him *Nadarajah*), for plaintiff, appellant.

*J. Joseph*, for defendant, respondent.

October 10, 1921. DE SAMPAYO J.—

An objection is taken on behalf of the respondent that security in appeal has not been given as provided by section 757 of the Civil Procedure Code. The appellant bound himself in the ordinary way in the sum of Rs. 27·50, but at the end of the bond, which is in a printed form, there is this further provision included in manuscript: "and for better securing the payment of the said sum of Rs. 27·50 I do hereby deposit in cash Rs. 27·50 as per Kacheheri receipt dated July 12, 1921, bearing No. 422."

I am of opinion that this provision contains a sufficient hypothecation of the sum of Rs. 27·50 within the meaning of section 757. This provision is similar to that in the bond given in *Arunasalam Chetty v. Somasunderam Chetty* (5 C. W. R. 274 and 275), in which it was held that the bond contained a hypothecation of the amount in deposit.

I therefore overrule the objection, and will hear the appeal.

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