

GABRIEL APPUHAMY v. PELIS PERERA

APPUHAMY *et al.*

*D. C., Negombo, 1,355.*

*Fiscal's conveyance to purchaser in execution sale—Ordinance No. 4 of 1867, ss. 54, 56, and 58—And Civil Procedure Code, ss. 283 and 286—Confirmation by Court—Proper time for conveyance.*

Upon a sale in execution duly held in 1871 under Ordinance No. 4 of 1867, and no objection having been taken thereto within thirty days of the sale—

*Held, per* WITHERS and BROWNE, JJ. (LAWRIE, A.C.J., *dissentiente*), that it was competent to the Fiscal to pass a conveyance to the purchaser in 1893, and that such conveyance was valid. Such purchaser not being execution-creditor, an express order of court to convey is not necessary.

*Held further, per* WITHERS, J., that it was only sales of property held after the Civil Procedure Code came into operation that required an order of confirmation as a condition precedent to a Fiscal's conveyance.

THE land in dispute, in this case of ejectment, belonged to one Martelis Perera Appuhamy, who by deed No. 474, dated 16th May, 1870, leased it to one Domingo Fernando Rendrala for a