

FERNANDO v. RANHAMY *et al.*

108—C. B., Kurunegala, 24,311.

*Bond not signed before witnesses.*

*Garvin*, for the appellant.

*Oros-Dabrera*, for the respondents.

September 29, 1921. ENNIS J.—

A preliminary objection has been taken to this appeal on the ground that the bond hypothecating the immovable property by way of mortgage has not been signed before witnesses, and, therefore, does not conform to the provisions of section 2 of Ordinance No. 7 of 1840, or section 1 of Ordinance No. 17 of 1852 or with the practice of the Court. The bond has been signed before the proctor for the plaintiff. In my opinion the objection is good, and I accordingly dismiss the appeal, with costs.

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