

CONJEE *v.* BAWA.

206—D. C. Colombo, 48,532.

*Tisseverasinghe*, for the appellant.

*Balasingham*, for the respondent.

July 31, 1918. BERTRAM C.J.—

Mr. Tisseverasinghe has attempted to draw a distinction between this case and the other cases in which we have held that an appeal must fail because security has not been perfected, but his attempt has been unsuccessful. There is nothing in section 2 of Ordinance No. 8 of 1871 which he cited to show that hypothecation of money does not take effect unless it is registered, if, in fact, the money in question is deposited. Even if there were anything in the argument, I do not see how it can assist him in this case.

With regard to the request to proceed in revision, there is obviously considerable matter for argument. I think the proper course would be to dismiss the appeal, and to leave the appellant to pursue any other alternative cause of action, as he may be advised, that he possesses. The dismissal of this appeal is without prejudice to any such right that he may have.

The appeal is dismissed, with costs.

ENNIS J.—I agree.

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