

(1910) 05 AHC CK 0009

Allahabad High Court

Case No: None

Syed Ali Ahmad

APPELLANT

Vs

Musammat Said-un-nisa Bibi

RESPONDENT

Date of Decision: May 17, 1910

Citation: 6 Ind. Cas. 703(1)

Hon'ble Judges: John Stanley, C.J; Griffin, J

Bench: Division Bench

Judgement

1. In view of the judgment-delivered on the 16th of May in Appeal No. 159 of 1909 under the Letters Patent Waris Ali Khan v. Parsotam Narain 6 Ind. Cas. 609, it is admitted that this appeal must succeed. We accordingly allow this appeal, set aside the decree of the learned Judge of this Court as also the decrees of both the lower Courts and inasmuch as these decrees are based on the ruling in Bechan Singh v. Karan Singh 30 A. 447 : A.W.N. (1903) 186 : 5 A.L.J. 495 and a Full Bench of this Court has overruled that decision, we direct that the case, which has been decided upon a preliminary point, be sent back to the Court of first instance through the lower appellate Court with a direction that it be re-listed in the file of pending suits and be disposed of according to law. Costs here and hitherto will abide the event.