

(1880) 05 AHC CK 0009

Allahabad High Court

Case No: None

Baldeo Singh and
Another

APPELLANT

Vs

Hari Singh

RESPONDENT

Date of Decision: May 27, 1880

Citation: (1880) ILR (All) 905

Hon'ble Judges: Straight, J; Oldfield, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Straight, J.

The lower Appellate Court has found that the razi-nama was duly and properly executed; in other words, that the defendant agreed in writing to allow the plaintiffs "haq-i-chaharum." The suit was therefore for money due upon a contract and of a nature cognizable by a Small Cause Court. Accordingly no second appeal lay to this Court, and the preliminary objection taken by the respondents' pleader must prevail. Our attention was called at the hearing to the case of Nanku v. The Board of Revenue ILR 1 All. 444, but the view we are now taking is in no way inconsistent with, on the contrary is entirely in accordance to, the principle laid down in that case by the Court at large. The appeal is not entertainable and must be dismissed with costs.