

(1878) 06 AHC CK 0003

Allahabad High Court

Case No: None

Tetley

APPELLANT

Vs

Jai Shankar and
Another

RESPONDENT

Date of Decision: June 14, 1878

Citation: (1875) ILR (All) 726

Hon'ble Judges: Turner, O.C.J.; Pearson, J

Bench: Division Bench

Final Decision: Allowed

Judgement

Turner, Officiating C.J.

1. It is clear that, under the provisions of the Procedure Code, X of 1877, we have no power to give leave to appeal from the order of this Court directing a hearing on the merits, that order not being a decree but an interlocutory order; but it is argued that we have discretion to allow an appeal under the 31st clause of the Letters Patent. The case appears to be one in which, if we possessed the power, we should be inclined to exercise it, but we are of opinion that the provisions of that clause were by implication repealed by the Code and Act VI of 1874, which preceded the Code. The petitioner must apply for special leave or wait until this Court pronounces final judgment if the proceedings are brought before it. Each party to bear his own costs of this application.