

(1880) 05 AHC CK 0012

Allahabad High Court

Case No: None

Mehdi Husain

APPELLANT

Vs

Madar Bakhsh and
Others

RESPONDENT

Date of Decision: May 7, 1880

Citation: (1880) ILR (All) 889

Hon'ble Judges: Robert Stuart, C.J; Oldfield, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Robert Stuart, C.J. and Oldfield, J.

In this case the Munsif decreed the claim, but his judgment was reversed by the Judge, not on the merits, but because the plaintiff had paid a Court-fee too small for the suit, Rs. 35 instead of Rs. 45. In this view he may or may not be right, but clearly the objection is not one affecting the merits of the case, and therefore as provided by Section 578, Act X of 1877, he ought not to have made the order he did reversing the decision of the Munsif. We must, therefore, set aside the Judge's order and direct him to try the appeal that was taken to his Court on the merits. Costs to abide the result.