

(1909) 06 CAL CK 0004

Calcutta High Court

Case No: None

Gooroo Prasanno Lahiri and
Another

APPELLANT

Vs

Ambikamoyi Dasya and Another

RESPONDENT

Date of Decision: June 21, 1909

Judgement

1. This is an appeal presented against a judgment passed by Mr. Justice Lal Mohan Doss, and a preliminary objection has been taken that as the learned Judge has merely remanded the case for trial of certain issues of fact no appeal is competent. In support of this contention, the decision in Kalikristo Paul v. Ramchunder Nag 8 C. 147 has been cited. This is a case which apparently has always governed the practice of this Court, and we think it cannot be distinguished from that before us now. We, therefore, allow the objection and dismiss the appeal with costs. But in order that the appellant before us shall not be prejudiced, the case on remand should again come before a single Judge.