

(1897) 07 CAL CK 0002

Calcutta High Court

Case No: Appeal from Appellate Decree No. 314 of 1896

Rami Deka

APPELLANT

Vs

Poali Patgiri and others

RESPONDENT

Date of Decision: July 28, 1897

Judgement

1. The judgment of the lower Appellate Court in this case is :--" Appeal rejected under sec. 551, C.C.P. It is contended that this is not a judgment in conformity with law, and that there is an error of Procedure which brings the case under sec. 584.

2. The dismissal of an appeal under sec. 551, by a Court whose decision may be the subject of an appeal, does not, we think, relieve the Court from the necessity of writing a judgment, which, according to the provisions of sec. 574, should show the points raised, the decision upon those points and the reasons for deciding them. There was an appeal before the Court, and the judgment disposing of that appeal must, we think, be in conformity with the provisions of the Code. We set aside the decision and remand the case in order that the appeal may be disposed of according to law. The costs of this appeal will abide the result.