

(1866) 08 CAL CK 0008

Calcutta High Court

Case No: Miscellaneous Appeal No. 353 of 1866

Baboo Chintamun Sing

APPELLANT

Vs

Mussamat Uma
Kunwar and Others

RESPONDENT

Date of Decision: Aug. 23, 1866

Judgement

Sir Barnes Peacock, Kt., C.J.

It appears to the Court that an order rejecting an application to file an award under s. 327, Act VIII of 1859, is not a decree; therefore it is not appealable as a decree. It is simply an order rejecting an application to file an award. Then is it one of the orders in respect of which an appeal is provided by the Act? We can find no right given to appeal against an order refusing to file an award. We do find a right of appeal given in certain other cases, and against certain orders, such as an order rejecting a plaint; but no appeal given with regard to orders rejecting an award. Consequently it appears to us that the order is not appealable.