

(1936) 01 CAL CK 0029

Calcutta High Court

Case No: Appeal from Original Decree (No. 82 of 1935)

Prokash Chandra Nag

APPELLANT

Vs

Subodh Chandra Nag and
Others

RESPONDENT

Date of Decision: Jan. 17, 1936

Judgement

1. This is an application for an order that the paper-book may be prepared without the papers mentioned in the list which is appended to this petition as also the depositions mentioned in the said list. It is stated in paragraph 2 of the petition that the Petitioners undertake not to question the findings of the Court below to the effect that contributions from members of the public were received in the Asram, that several members of the public were associated in the annual Utsav. and that a large number of persons were fed and otherwise helped out of the funds of the Asram. It is pointed out by the learned Advocate for the Respondent Opposite Party that there are findings which are dependent on the papers which are sought to be excluded. The proper order, therefore, to make is that the prayer for the exclusion of the papers is granted on condition that it will not be permitted to the Petitioner (Appellant) to question the finding of the Court below to the effect that contributions from members of the public were received in the Asram, that several members of the public were associated in the Annual Utsav, and that a large number of persons were fed and otherwise helped out of the funds of the Asram, and other findings which depend on those papers and depositions which have been excluded. It will be open to the Respondents to revise their list in the light of the omission now sanctioned. The Opposite Parties are entitled to their costs--hearing-fee, one gold mohur. Let this order form part of the paper-book at the Respondent's costs.