
(1880) 06 CAL CK 0011

Calcutta High Court

Case No: None

Peary Lall Mozoomdar

APPELLANT

Vs

Komal Kishore Dassia

RESPONDENT

Date of Decision: June 10, 1880

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Section 25

Citation: (1881) ILR (Cal) 30

Hon'ble Judges: Prinsep, J; Morris, J

Bench: Division Bench

Judgement

Morris, J.

We cannot pass the order asked for, authorizing by District Judge of Rungpore to try the appeal.

2. It appears that the suit was tried by the Subordinate Judge of Rungpore. Before the appeal was made, the land which formed the subject-matter of the suit was transferred to the district of Pubna, and the District Court of Pubna, consequently, alone had jurisdiction to hear the appeal. The appeal, however, was inadvertently filed in the District Court of Rungpore, where, no doubt, it can more conveniently " be tried. But we can, u/s 25 of the Code of Civil Procedure, direct the transfer of an appeal only from a Court having jurisdiction to receive and try it. We have no power to authorize any Court to assume jurisdiction to receive and hear an appeal contrary to the usual course prescribed by the Code. We, therefore, leave the appellant to take the necessary steps to place his appeal in the Pubna Court, and he can then renew his application to us, which is otherwise unobjectionable.