

**(1873) 08 CAL CK 0003**

**Calcutta High Court**

**Case No:** None

Williamson Brothers

APPELLANT

Vs

Arab Ismail Khan

RESPONDENT

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**Date of Decision:** Aug. 11, 1873

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### **Judgement**

Sir Richard Conch, Kt., C.J.

We are of opinion that, where a party to the suit requests the reservation of a question by the Small Cause Court for the opinion of this Court, and it is not reserved because the Judges entertain any doubts, if he does not appear in this Court, the decision must be given against him, whether security has been given for the costs of the reference and the amount of the judgment or not. The Court is not bound to act as Counsel for him. The judgment in this case will be for the plaintiffs with an order for the costs of reserving the case for the opinion of this Court in the same terms as in the case of Dissent v. The Justices of the Peace for the Town of Calcutta 5 B.L.R., App., 24 viz., the costs of reserving the question and stating it for the opinion of this Court and otherwise arising thereout or connected therewith.