
(1872) 09 CAL CK 0006

Calcutta High Court

Case No: None

In Re: Gabinda
Chandra Ghose and
Another

APPELLANT

Vs

RESPONDENT

Date of Decision: Sept. 17, 1872

Judgement

@JUDGMENTTAG-ORDER

The Deputy Magistrate of Khoolns had instituted proceedings under s. 318 of the Code of Criminal Procedure, with respect to 350 bigas of land called Ghineerabad, possession of which was claimed by Ananda Chandra Sirkar and Benimohan Biswas on one side, and Gobinda Chandra Ghose and Shamasundari Dasi on the other. Upon the complaint of one (sic) Tamizaddin, go(sic) of Anands Chandra Sirkar and Benimohan Biswas notice was ordered to be served on Gobinda Chandra Ghose. After the Deputy Magistrate had taken evidence as to actual possession from both parties, Shamasundari Dasi presented a petition at the last moment, praying to be made a party, as she was a co-sharer writ Gobinda Chandra Ghose and others and was in possession and for summonses against certain persons to appear to give evidence in support of her claim. The Deputy Magistrate examined one witness, who was present in Court, on her behalf, and refused to postpone the case for the examination of the other witnesses named in her petition. The Deputy Magistrate held that Anands Chandra Sirkar and Benimohan Biswas were in possession, and passed as order retaining them in possession. Gobinda Ghandra Ghose and Shamasundari Dasi moved the Sessions Judge to refer the proceedings of the Deputy Magistrate to the High Court, under s. 434 of the Code of Criminal procedure, to have the order passed by the Deputy Magistrate quashed for various reasons. The Sessions Judge, however referred the proceedings to the High Court on only two points.