

(1879) 12 CAL CK 0008

Calcutta High Court

Case No: None

Koomud Chunder
Dass

APPELLANT

Vs

Chunder Kant
Mookerjee

RESPONDENT

Date of Decision: Dec. 3, 1879

Acts Referred:

- Specific Relief Act, 1877 - Section 21

Citation: (1880) ILR (Cal) 498

Hon'ble Judges: Wilson, J

Bench: Single Bench

Judgement

Wilson, J.

I will not trouble you, Mr. Branson. I think Mr. Phillips is right in saying that this is a contract to refer to arbitration, and that he is right in saying that the present suit is brought in respect of the subject-matter which the parties had agreed to refer to arbitration. But I think that before Section 21 of the Specific Relief Act can be relied upon, it must be shown that the plaintiff had refused to refer to arbitration. I do not think that the filing of the plaint is such a refusal. I, therefore, hold that nothing has been shown under the section to bar the present suit.