

(1880) 03 CAL CK 0008

Calcutta High Court

Case No: None

Hirdhamun Jha and
Others

APPELLANT

Vs

Jinghoor Jha and
Others

RESPONDENT

Date of Decision: March 18, 1880

Citation: (1880) ILR (Cal) 711

Hon'ble Judges: Pontifex, J; McDonell, J

Bench: Division Bench

Judgement

Pontifex, J.

On the preliminary objection taken by the respondents to the hearing of this appeal, we think that no appeal lies to this Court. Although Section 629 does give an appeal, yet second appeals to this Court must either come within chap, xlii, the sections relating to appeals, or they must come under Sections 588, 591.

2. We think that the order appealed against is not a decree within the meaning of chap, xlii, and it is certainly not an order under Sections 588 and 591. We observe that, in the Court of the Munsif, the parties were made to bear their own costs; we think that the plaintiffs, having been in default, should have been made to bear all the costs in the Court below, but as there is no second appeal, we have not the power to deal with the costs in the lower Court. But we give no costs in this Court.