

(1872) 07 CAL CK 0011

Calcutta High Court

Case No: None

T.G. Newton and
Others

APPELLANT

Vs

Kurneedhone and
Others

RESPONDENT

Date of Decision: July 11, 1872

Judgement

@JUDGMENTTAG-ORDER

Markby, J.

Does not that section not that section apply only to cases in which the soil has been partly heard?] There was a part hearing on the day on which the adjournment was made. The record will show that the plaintiff appeared on that day, and that the defendant did not appear. Under a strict interpretation of the Procedure Code, I should say the defendant can appeal as a matter of right.] If the Court is bound to allow the defendant to defend the case, it has power to put him upon terms, and I would ask for a postponement, and that he should be ordered to file a written statement, and that the costs of the postponement should be borne by him.

2. I think there must be costs in the cause.]