

(1869) 01 CAL CK 0026

Calcutta High Court

Case No: None

Parmeswar Pandey

APPELLANT

Vs

Mahadeo Ojha

RESPONDENT

Date of Decision: Jan. 21, 1869

Judgement

Glover, J.

It appears to us that the objection taken by the special appellant in this case must succeed. It has been oftentimes ruled by Division Benches of this Court that, when a Court of Appeal reverses the order of a Court of first instance, it is bound to give reasons for so doing in the judgment. In the present case, the Munsiff gave his reasons at considerable length for believing the plaintiff's suit for possession to be unfounded, but the Judge, without going into, or controverting, any of those reasons, but saying simply that the plaintiff's case, appears to him to be a just one, reversed the decision of the Court of first instance, and decreed the plaintiff's suit. It appears to us that, according to a long current of decisions of this Court, he was not justified in doing so; and that before reversing the orders of his subordinate, he was bound to give his reasons, for which he was induced to do so.

2. The case must, therefore, go back to the Judge, for him to pass a fresh decision on the merits of the case, with reference to the above remarks. Costs to follow the result.