

(1868) 08 CAL CK 0029

Calcutta High Court

Case No: Miscellaneous Appeal No. 157 of 1868

Amiruddin

APPELLANT

Vs

Jiban Bibi

RESPONDENT

Date of Decision: Aug. 8, 1868

Final Decision: Dismissed

Judgement

Barnes Peacock, Kt, C.J.

We think that there is no appeal against an order refusing to re-admit an appeal u/s 347 of Act VIII of 1859. The matter is left to the discretion of the Judge. The appeal is dismissed with costs.

♦[Sec. 347:--If an appeal be dismissed for default of prosecution the appellant may within thirty days from the date of the dismissal, apply to the Appellate Court for the re-admission of the appeal; and if it shall be proved to the satisfaction of the Court that the appellant was prevented by any sufficient cause from appearing when the appeal was called on for hearing the Court may re-admit the appeal.]

Re-admission of appeals dismissed for default of possession.