

(1880) 12 CAL CK 0018

Calcutta High Court

Case No: None

Anunda Shaha Biswas,
Nyomuddin Sha
Biswas and Others

APPELLANT

Vs

Kema Bebee and
Others

RESPONDENT

Date of Decision: Dec. 10, 1880

Citation: (1881) ILR (Cal) 548

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

Bench: Division Bench

Judgement

Pontifex, J.

We think that, u/s 560 of the Code of Civil Procedure, when a petition is presented for rehearing of an appeal heard ex parte in the absence of the respondent, the applicant is bound to satisfy the Court that the notice was not duly served, or that he was, prevented by sufficient cause from attending when the appeal was called on for hearing. If he is not prepared at the time to satisfy the Court in these particulars, his application is properly rejected. That is what seems to have happened in this case. The appeal is dismissed with costs.