

(1869) 05 CAL CK 0057

Calcutta High Court

Case No: Motion No. 337 of 1869

Girish Chandra Dutt

APPELLANT

Vs

Buzul-ul-Huq

RESPONDENT

Date of Decision: May 1, 1869

Judgement

Sir Barnes Peacock, Kt., C.J.

It appears to me to be clear that the presentment of the petition under Act XVI of 1864 must be considered as having been done under Act XX of 1866, by virtue of section 3 of that Act. That being so, the decision of the then Principal Sudder Ameen, which was made after the passing of Act XX of 1866, must have the same effect as if it had been passed upon a petition presented under Act XX of 1866; and consequently, under the provisions of section 55 of that Act, no appeal would lie from the Principal Sudder Ameen to the Judge. The Judge had no authority, therefore, to reverse the decision of the Principal Sudder Ameen, and all that he did was without jurisdiction. The rule must be made absolute for setting aside the decree or order of the Judge reversing the decree of the Principal Sudder Ameen, and all subsequent proceedings. The plaintiff must pay the costs of this application, and the costs in the lower appellate Court.