

(1866) 04 CAL CK 0001
In the Calcutta High Court

Anand Chandra Majumdar

APPELLANT

Vs

Gobardhan Khan Alias Eajatulla

RESPONDENT

Date of Decision : 17-04-1866

Acts Referred:

Citation : (1866) 04 CAL CK 0001

Judgement

Sir Barnes Peacock, Kt., C.J.—The Full Bench agree in the view expressed by the order referring this case, and think that the case does not fall within s. 22, Act XI of 1865, and that the Court cannot, therefore, express any judicial opinion upon the case.

(1) Act XI of 1865, S. 22.-- "If, in the trial of any suit under this Act, any question of law, or usage having the force of law, or any question as to the construction of a document, which construction may affect the merits of the decision, shall arise, the Court, in suits for an amount not exceeding five hundred rupees, may either of its own motion, or on the application of any of the parties to the suit, and in suits for an amount greater than five hundred rupees, shall draw up a statement of the case, and refer it with the Court's own opinion, for the decision of the High Court."

2George Mears v. Ackobur Sheik, Suth. S.C.C. Rul., 29