

(1919) 12 CAL CK 0022
In the Calcutta High Court

Bhupati Charan Nandi

APPELLANT

Vs

Golam Eihhar Choudhury of Salka

RESPONDENT

Date of Decision : 12-12-1919

Acts Referred:

Citation : 56 Ind. Cas. 539

Hon'ble Judges : Walmsley, J

Bench : Single Bench

Judgement

Walmsley, J.—This Rule must be made absolute on the authority of the case of Prosonno Kumar Chakravarti v. Prokash Chandra Dutta 28 Ind. Cas. 560 : 19 C.W.N. 329. That case followed the decision of Mr. Justice North in the case of Consolidated Exploration and Finana Co. v. Musgrave (1900) 1 Ch. 37 : 81 L.T. 747 : 48 W.R. 298 : 69 L.T.Ch. 11 : 16 T.L.R. 13. The judgment and decree of the Judge of the Small Cause Court are set aside. In the circumstances of the case I make no order as to costs. If the defendant has deposited the decretal amount or any portion of it, he will be entitled to ask for a refund.