

(1909) 06 CAL CK 0022
In the Calcutta High Court

Braja Mohan Mandal

APPELLANT

Vs

Thakur Das Nath and Another

RESPONDENT

Date of Decision : 17-06-1909

Acts Referred:

Citation : (1909) 06 CAL CK 0022

Judgement

1. It has been decided in Nowbut Singh V. Chutterdharee Singh 19 W.R. 222 that special appeal does not lie because some portions of the evidence may be in writing and the Judge makes a mistake as to the meaning of it. The whole of the argument on this appeal has been that the Judge has made a mistake as to the meaning of a document. Even if that argument had firmer foundation than it has, still we should be compelled to hold on the authority of this decision that no appeal lies in this case. We think Mr. Justice Brett had no powers to vary the decree of the lower appellate Court we, therefore, reverse his judgment and confirm the decree of the lower, appellate Court with all costs of the High Court.