

(1910) 04 CAL CK 0004
In the Calcutta High Court

Hara Chandra Bairagi and Others

APPELLANT

Vs

Bepin Behary Das

RESPONDENT

Date of Decision : 28-04-1910

Acts Referred:

Citation : 6 Ind. Cas. 860

Hon'ble Judges : Lawrence Jenkins, C.J.; Doss, J

Bench : Division Bench

Judgement

Lawrence Jenkins, C.J.—The only point raised on this appeal is whether Mr. Justice Mookerjee came to an erroneous decision when he held that the rule of res judicata applied although the decree in the former suit was ex parte as against the present appellants. A reference to the proceedings in the former suit shows that an issue was raised on the points now called in question and that the issue was heard and finally decided by the Court on the previous occasion, and I can see no ground on which it can be held that the rule of res judicata does not apply. In our opinion, Mr. Justice Mookerjee was perfectly right in the decision at which he arrived, and this appeal must be dismissed with costs.

Doss, J.

2. I agree.