

(1925) 11 CAL CK 0034
In the Calcutta High Court

(Kumar) Satya Kam Ghosal Bahadur and Others	APPELLANT
Vs	
Mohamad Hamedulla and Others	RESPONDENT

Date of Decision : 25-11-1925

Acts Referred:

Citation : AIR 1926 Cal 1152

Hon'ble Judges : Ghose, J;Cuming, J

Bench : Full Bench

Judgement

Cuming, J.—This is an appeal against an order of the learned Additional District Judge of 24-Pergannas refusing to restore an appeal which had been dismissed for non-appearance of the parties. The learned Judge, in dealing with the application for restoration states that no satisfactory explanation for the failure to appear at 12 a.m. has been given.

2. On turning to the explanation which was given by the plaintiff-appellant to account for his non-appearance. I am not prepared to say that the learned Additional District Judge was wrong in the order he made. The only excuse offered for non-appearance of the plaintiff-appellant's pleader was that it was raining, and hence he was a little late in coming from Bagbazar. The fact that it was raining is hardly a satisfactory explanation for the learned gentleman being late. If this excuse be accepted, no one will come in time during the rainy season.

3. In this view of the case it is unnecessary to decide the preliminary objections of the respondent, that for the reasons given by him the present appeal is not competent.

4. The appeal fails and is dismissed with costs. Hearing-fee: three gold mohurs.

Ghose, J.

5. I agree.