

(1896) 01 CAL CK 0011
In the Calcutta High Court

Mahomed Ali

APPELLANT

Vs

Wazid Ali

RESPONDENT

Date of Decision : 09-01-1896

Acts Referred:

Citation : (1896) ILR (Cal) 404

Hon'ble Judges : Sale, J

Bench : Single Bench

Judgement

Sale, J.—In this case a commission was issued by the Court to examine stores residing in the District of Bakharganj. The Commissioner appointment evidence is a vakil practising in that district, and he has (sic)informing this Court that the persons to be examined under the commis-(sic)disregarded a notice to appear before him. Section 399 of the CPC is as follows: (After reading the section His Lordship continud(sic). The Commissioner being thus vested with the powers of a Civil Court may summon witnesses and enforce their attendance under the provisions of the Code, but as a private Commissioner, without the machinery of a Court he may find practical difficulty in enforcing the order. If unable for this reason to execute the commission he should return it to this Court. This Court may then send the commission to a Civil Court, within the local limits or whose jurisdiction the witnesses to be examined reside, which may be done u/s 386 of the Code. The same course may be taken under the provisions of 22 Vic, c. 20, and 48 and 49 Vic, c 74, but having regard to the present provisions of the Code, it is unnecessary to proceed under those statutes.

2. I propose to direct the Registrar to communicate with the Commissioner to the effect above indicated.