

(1908) 11 CAL CK 0035
In the Calcutta High Court

Mathura Nath Roy Choudhuri and Others	APPELLANT
Vs	
Basanta Kumar Chakravarti	RESPONDENT

Date of Decision : 13-11-1908

Acts Referred:

Bengal Tenancy Act, 1885 — Section 106, 109A

Citation : 2 Ind. Cas. 572

Hon'ble Judges : Mitra, J;Chitty, J

Bench : Division Bench

Judgement

1. A preliminary objection has been taken to the hearing of this appeal on the ground that Section 588, Code of Civil Procedure, does not apply to proceedings u/s 106 of the Bengal Tenancy Act. Section 109A, Sub-section 3, confines the power of the High Court to the hearing of second appeals and not appeals from orders, either u/s 558 or Section 560. In *Mothur Chandra Majumdar v.v. Tara Sankar Ghose* 7 C.W.N. 440 this Court declined to allow an appeal from an order u/s 562, Code of Civil Procedure, made by a special Judge exercising the powers given to him by Section 109A. The same principle also applies to this case. We, accordingly, dismiss this appeal with costs.