
(1938) 02 CAL CK 0022
In the Calcutta High Court

Md. Abdulla Shah Chowdhury and Others	APPELLANT
Vs	
Giridhari Lal Mundra	RESPONDENT

Date of Decision : 01-02-1938

Acts Referred:

Bengal Agricultural Debtors Act, 1936 — Section 8
Civil Procedure Code, 1908 (CPC) — Section 115

Citation : AIR 1938 Cal 448a

Hon'ble Judges : Nasim Ali, J;Edgley, J

Bench : Full Bench

Judgement

Nasim Ali, J.—This is an application in revision u/s 115, Civil P.C., against an order of Mr. G. C. Mondal, S. D. O. of Balurghat, in the District of Dinajpore dated 29th November 1937 dismissing the petitioners' application before the Debt Settlement Board u/s 8, Bengal Agricultural Debtors Act, 1935. Mr. Mondal is an appellate officer appointed by the Local Government u/s 40 of the Act. By Clause (6) of that section the orders of the appellate officer are final. In order to enable this Court to revise an order u/s 115 of the Code the order sought to be revised must be an order of a Court subordinate to this Court. It is argued on behalf of the petitioners that the appellate officer is a Civil Court within the meaning of Clause 16, Letters Patent, The Civil Courts contemplated by that clause, in my opinion, do not cover Courts which are created by a special statute for a special purpose Rankin J. in . Allen Bros. & Co. v. Bando & Co. AIR (1923) 169 observed as follows:

From the Act of 1861, from the Letters Patent and from the decisions, I draw this conclusion that it is not enough for the purposes of the Code or the Letters Patent which deal on definite principles with a regular order of Courts, that from the limited nature of the powers conferred or from a mere comparison with other Courts, or from possible relationships thereto not yet subsisting, a new Court may be styled an "inferior Court." An actual relationship to this Court must be established : an existing thread of connecting authority must be disclosed.

2. In this particular case the petitioners] could not satisfy us that there was really any connecting authority under which the appellate officer may be said to be subordinate to this Court. I therefore discharge this rule as the jurisdiction of this Court u/s 115, Civil P.C. cannot be invoked in this case. There will be no order for costs in this rule.

Edgley, J.

3. I agree.