

(1889) 11 PRI CK 0003

In the Privy Council

Mohunt Modhusudan Das

APPELLANT

Vs

Krishna Prapanna Ramaning Das and another

RESPONDENT

Date of Decision : 15-11-1889

Acts Referred:

Citation : (1889) 17 IndApp 9

Hon'ble Judges : Hobhouse, Macnaghten, Barnes Peacock, Richard Couch, JJ.

Judgement

Barnes Peacock, J. 1. Their Lordships are of opinion that this appeal ought to be dismissed. The Court exercised their discretion on the 20th of November as to whether they would enlarge the time for giving security for costs. Having considered the evidence and all the facts which were brought before them at that time, they exercised their discretion, and thought it was a case in which they ought not to enlarge the time. Their Lordships think that this is not a case with which they ought to interfere. The appeal upon the merits of the case was under the circumstances properly dismissed under Section 549 of the Civil Procedure Code. 2. Their Lordships will therefore humbly recommend Her Majesty that this appeal be dismissed, and dismissed with costs.