

(1920) 04 PAT CK 0003
In the Patna High Court

Musammat Lachmibati Kumari

APPELLANT

Vs

Nandkumar Singh and Others

RESPONDENT

Date of Decision : 30-04-1920

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115

Citation : 56 Ind. Cas. 649

Hon'ble Judges : Coutts, J;Adami, J

Bench : Division Bench

Judgement

Coutts, J.—This an application made in revision against the order of the Sub-ordinate Judge of Monghyr directing Additional Court-fee to be paid.

2. An exactly similar case to the present one was decided by Roe and Jwala Prasad, JJ. in Bhubneshwari Prasad v. Mohan Lall 55 Ind. Cas. 786 : 1 P.L.T. 5. In that case, following the decision in Chandramani Koer v. Basdeo Narain Singh 49 Ind. Cas. 442 : 4 P.L.J. 57, the learned Judges remarked that although in Banke Behari v. Ram Bahadur 44 Ind. Cas. 891 : (1918) Pat. 223 : 4 P.L.W. 281 : 4 P.L.J. 191 a Divisional Bench of this Court had interfered with an interlocutory order of this description, but generally the cursus curise of the Calcutta High Court and of this Court has always been not to take action u/s 115, when there is another course open and no irremediable harm can be suffered by the interlocutory order," I agree with the view taken in the case of Bhubneshwari Prasad v. Mohan Lall 55 Ind. Cas. 786 : 1 P.L.T. 5 and for the reasons given in the case, which I have just quoted, I would dismiss the application with costs. Hearing fee two gold mohurs.

Adami, J.

3. I agree.