

(1888) 06 CAL CK 0001
In the Calcutta High Court

Oliullah

APPELLANT

Vs

Bachu Lal Khotta

RESPONDENT

Date of Decision : 11-06-1888

Acts Referred:

Citation : (1888) ILR (Cal) 707

Hon'ble Judges : Rampini, J;Pigot, J

Bench : Division Bench

Judgement

Pigot, J.—In this appeal a preliminary objection is taken to the appearance of the learned vakeel on behalf of the appellant. The appeal was presented by the appellant in person. There is no certificate by a vakeel that there are good grounds for the appeal; and a case decided by Bayley and Phear, JJ., *Kishen Chunder Roy v. Hurish Chunder Bose* 3 W.R. 216 is cited as showing that, under such circumstances, a vakeel will not be heard by this Court. Further, it appears upon enquiry by us that no order of the Court, such as is contemplated by Rule 86 and Rule 162, which refers to and keeps it in force, has been passed admitting the appeal. Under these circumstances the appeal has got on the Board without any guarantee whatever, either by a certificate from a vakeel or an order of a Judge after considering the case, that it is a proper case to be set down for hearing in second appeal, and we must wholly decline to entertain it. The case must therefore be struck out of the list.

2. The appeal will be dismissed with costs.