

(1937) 11 MAD CK 0002
In the Madras High Court

Ramakrishna Reddy and Another

APPELLANT

Vs

Official Receiver and Another

RESPONDENT

Date of Decision : 01-11-1937

Acts Referred:

Provincial Insolvency Act, 1920 — Section 75(3)

Citation : AIR 1938 Mad 461

Judgement

1. The provisions of Section 75(3), Provincial Insolvency Act clearly show that the order of the District Judge of Bellary dated 28th September

1934 and made in I. A. No. 409 of 1934 in I.P. No. 4 of 1929 is appeal able with the leave of the District Court or of the High Court. We are

therefore unable to concur in the view of our learned brother Burn J. that the order is not appeal able at all. Further the circumstances of the case

clearly demand that leave to appeal should be given, there having been no decision on the merits. The appeal is therefore allowed and leave to

appeal from the order of the District Court, Bellary, granted. There will be no order as to costs in this appeal.