

(1910) 04 AHC CK 0001
In the Allahabad High Court

Rambaran Upaddhia and Another

APPELLANT

Vs

Kashi Upaddhia and Others

RESPONDENT

Date of Decision : 30-04-1910

Acts Referred:

Citation : 6 Ind. Cas. 400

Hon'ble Judges : Karamat Husain, J

Bench : Single Bench

Judgement

Karamat Husain, J.—In this case on the 8th of July 1908, Altaian, J., under the provisions of Section 562 of the Code of Civil Procedure, remanded the case for trial to the learned District Judge, who, instead of carrying out the order of this Court himself, remanded the case by his order of the 6th of January 1909 to the learned Munsif. The learned Munsif carried out the order of the learned District Judge and then the learned District Judge decided the case. The defendants come here in appeal and the only point argued by their learned Counsel is that the learned District Judge had no jurisdiction to remand the case to the learned Munsif. In " support of this contention reliance is placed on the case of Sita Ram v. None Dulaya which is a case under the old Code of Civil Procedure. The ruling, in my opinion, is applicable to the provisions of Order 41, Rule 23, of the new Code of Civil Procedure. I, therefore, allow this appeal with costs, and setting aside the decree of the lower appellate Court, remand the case to that Court for trying the case.