
(1925) 04 BOM CK 0013

In the Bombay High Court

Case No : O.C.J. Appeal No. 18 of 1920 : Suit No. 1717 of 1919

Ranchhordas Mathradas

APPELLANT

Vs

Vallabhdas Kanji

RESPONDENT

Date of Decision : 09-04-1925

Acts Referred:

Citation : (1925) 27 BOMLR 699

Hon'ble Judges : Norman Macleod, J;Crump, J

Bench : Division Bench

Judgement

Norman Macleod, Kt., C.J.—In this case leave to appeal to the Privy Council was obtained by the defendants. Thereafter they took no steps to prosecute the appeal, and on October 18, 1923, the Registrar of the Privy Council addressed a letter to this Court as follows :-

I have the honour to inform you that the appellants have taken no step in prosecution of the above appeal although four months have HOW elapsed since the date of the arrival of the record in England, and that by virtue of rule 84 of the Judicial Committee Rules 1908, the said appeal stands dismissed for non-prosecution as from today without further order.

I have accordingly to request you to be good enough to faring this communication before the Judges of your Court, in order that the necessary steps may be taken to terminate the proceedings.

2. Nothing further has been done. Therefore, it would be necessary for this Court to give directions in accordance with the Registrar's letter with regard to the costs of the application for leave to appeal to the Privy Council. Those costs had been made costs in the appeal. As the appeal was dismissed for non-prosecution without further order of the Privy Council, no order was made with regard to those costs. It makes no difference that the petitioners applied to the Privy Council for restoration of the appeal. That petition failed, and the petitioners were directed to pay the taxed costs in England of the respondents opposing the

petition. We are, therefore, restored to the original position at the time the Registrar's letter of October 18, 1918, reached this Court. We think that as the appellants took no further steps to prosecute the appeal, the respondents were entitled to the costs incurred by them in this Court on the petition filed by the appellants to obtain a certificate for leave to appeal to the Privy Council. That order would include the costs of the present application. The respondents are not entitled to the costs of the appearance before Mr. Justice Taraporewala.