

(1894) 05 CAL CK 0010
In the Calcutta High Court

Roghu Singh

APPELLANT

Vs

Misri Singh and Another

RESPONDENT

Date of Decision : 18-05-1894

Acts Referred:

Bengal Tenancy Act, 1885 — Section 173

Citation : (1894) ILR (Cal) 825

Hon'ble Judges : Gordon, J; Ghose, J

Bench : Division Bench

Judgement

Ghose and Gordon, JJ.—We think that the learned District Judge was right in holding that no appeal lay against an order setting aside a sale u/s 173 of the Bengal Tenancy Act. The order in question could not be regarded as a "decree" as defined by the Code of Civil Procedure, nor could it fall within Section 244 of that Code, because the appellant was an outsider, and not a party to the suit in which the decree was made. The Bengal Tenancy Act itself does not provide for an appeal against an order like this, and we are not aware of any provision in the CPC allowing an appeal against such an order.

2. That being so, this appeal will be dismissed with costs.