

(1925) 11 CAL CK 0022
In the Calcutta High Court

Roshan Bepari and Another

APPELLANT

Vs

Collector of Dacca

RESPONDENT

Date of Decision : 20-11-1925

Acts Referred:

Citation : AIR 1926 Cal 816

Judgement

1. This is an appeal against an order of the learned District Judge of Dacca refusing to set aside an ex parte order dismissing a reference made to him under the Land Acquisition Act for default.

2. Mr. Guha, who has appeared for the respondent, contends that in this case no appeal lies and in support of his contention, he has referred us to the case of Hasun Molla v. Tasiruddin [1912] 39 Cal. 393. The decision is undoubtedly on all fours with the present case. The learned Judges pointed out that an order refusing to set aside an ex parte decree made in a reference under the Land Acquisition Act is not an award and, therefore, no appeal lies against that order.

3. The appeal must, therefore, fail as being incompetent and is dismissed with costs. Hearing fee three gold mohurs.