

(1929) 07 CAL CK 0024
In the Calcutta High Court

Sachindra Nath Dutt

APPELLANT

Vs

Secy. of State for India and Others

RESPONDENT

Date of Decision : 26-07-1929

Acts Referred:

Citation : AIR 1930 Cal 520

Hon'ble Judges : C.C. Ghose, J

Bench : Division Bench

Judgement

C.C. Ghose, J.—In my opinion, the order complained of cannot be supported. The appeal was filed on 14th July 1928 and the application on which the order complained of was made was not put in till 6th February 1929. It is elementary that, if a party to a suit or appeal desires to apply for security for Costs, he must do it promptly. Otherwise, the order made on such an application may have the effect of stifling the suit or appeal. In that view of the matter, the orders of 12th February and 23rd February 1929 must be set aside. As the opposite party does not appear, there will be no order as to costs.