

**(1917) 03 PAT CK 0017**  
**In the Patna High Court**  
**Case No : F.A. No. 86 of 1916**

Sahdeo Narain Deo

APPELLANT

Vs

Kusum Kumari

RESPONDENT

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**Date of Decision :** 07-03-1917

**Acts Referred:**

**Citation :** (1917) 03 PAT CK 0017

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### **Judgement**

Roe, J.—In this case the plaintiffs sued for possession of an estate valued at 42 lacs of rupees. That suit was dismissed in its entirety and full costs of the suit were awarded to the defendants. The plaintiffs appealed and on receipt of notice of the appeal, the defendants put in what they were pleased to call cross-objections. They were not objections to anything contained in the decree; indeed it was obvious that, seeing that the whole suit had been dismissed and the whole costs awarded to the defendants by the decree, there was nothing whatever in the decree to which they could either take exception or make objection. What they objected to were certain terms in the judgment. Having regard to the provisions of Order XL1, rule 22, it is apparent that criticisms of a judgment cannot be filed as cross-objections. If filed they should not be accepted by the office. The first portion of the rule completely covers the defendant-respondent's case. He will be entitled to support the decree at the time of argument on any of the grounds decided against him in the court below. The petition which is described as a cross-objection is not a cross-objection as contemplated by the Code of Civil Procedure. It does not in my view require any stamp at all. It should not be a part of the record. It should certainly not be printed in the paper book. If at the time of hearing the respondent insists on referring to it, the question whether he should be allowed to do so and if so upon what terms may be considered by the Divisional Bench. In my view, the office will be well advised in refusing to accept such petitions as cross-objections.