

(1911) 03 BOM CK 0002
In the Bombay High Court

Srimati Nityamoni Dasi

APPELLANT

Vs

Madhu Sudan Sen

RESPONDENT

Date of Decision : 10-03-1911

Acts Referred:

Citation : (1911) 13 BOMLR 419

Hon'ble Judges : Robson, J;Macnaghten, J;Arthur Wilson, J

Bench : Full Bench

Judgement

Macnaghten, J.—Their Lordships are of opinion that the High Court has power to stay execution, notwithstanding that the appeal, as in this case, has been admitted by special leave of His Majesty in Council. Their Lordships venture to add that the learned Judges of the High Court are in a much better position than the members of this Board to determine in any particular case whether execution ought to be stayed, and if so upon what terms and conditions and to what extent stay of execution ought to be granted.

2. Their Lordships will humbly advise His Majesty that execution in this case ought to be stayed upon such terms as the High Court may direct.