

(1901) 03 CAL CK 0008
In the Calcutta High Court

The Royal Insurance Co. and Others

APPELLANT

Vs

Akhoy Coomar Dutt and Others

RESPONDENT

Date of Decision : 12-03-1901

Acts Referred:

Citation : (1901) 03 CAL CK 0008

Judgement

Maclean, C.J.—The facts which led up to the application to the Court upon which judgment was delivered on the 8th of January 1901, and the questions which were then decided by the Court, sufficiently appear in the judgment of that date, and it is unnecessary to recapitulate the facts and the conclusion of the Court on that application. But having regard to the questions which were then decided, it is somewhat difficult to say that that decision was a final decree within the meaning of sec. 595 of the Code of Civil Procedure. But even if it were, it seems to me that the applicant has to face another difficulty, for it is equally doubtful, whether he has shown, the suits here being three separate suits, suits which have not been consolidated, that in any one suit the amount or value of the matter in dispute to His Majesty in Council is 10,000 rupees or upwards. The order against which it is sought to appeal to the Privy Council has not imposed any pecuniary liability on the applicants. No question pecuniary liability as against the applicants has, as yet, been decided. But, apart from these considerations, as the order of this Court affirmed the decision of the Court below, the applicants must show that the appeal involves some substantial question of law, within the meaning of sec. 596 of the Code. When one regards the questions which were dealt with by this Court, it is, I think, very difficult to say that any substantial question of law is involved. The construction of Rule 617 seems to be reasonably clear, and the power of interference given by that rule is discretionary and not compulsory. I do not think the applicants have made out a case for a certificate, and the application must be refused with costs.

Banerjee, J.

2. I am of the same opinion. Hill, J.

I am also of the same opinion.