

Emperor Vs. Abdus Samad Khan

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SooperKanoon Citation : sooperkanoon.com/459010

Court : Allahabad

Decided On : May-09-1923

Reported in : (1923)ILR45All616

Judge : Daniels, J.

Appellant : Emperor

Respondent : Abdus Samad Khan

Judgement :

Daniels, J.

1. This is a reference by the learned Sessions Judge of Benares in a case under the Workman's Breach of Contract Act, 1859, as amended by Act XII of 1920. It is admitted that the Magistrate omitted, before ordering the complainant to pay compensation under Section 2B of the Act, to call on him to show cause. I accordingly set aside the order of compensation passed and direct the Magistrate to do now what he should have done in the first instance, namely to call upon the complainant to show cause why he should not be ordered to pay compensation. The Magistrate will then pass final orders after considering any cause that may have been shown. The amount of compensation, if already deposited, will remain in deposit pending the decision of the case.

