

In Re: Risal Singh and ors. Vs. Balwant Singh and ors.

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Court : Allahabad

Decided On : Dec-21-1915

Reported in : 32Ind.Cas.194

Judge : Henry Richards, C.J., ;P.C. Banerji and ;Walsh, JJ.

Appellant : In Re: Risal Singh and ors.

Respondent : Balwant Singh and ors.

Judgement :

1. In this application the applicant seeks in effect that the decree, of this Court should now be amended by disallowing a certain sum for costs, on., the ground that the payment of the fee was not authenticated in the manner provided by Rule 22, Chapter XVI, of the High: Court's Rules. It is alleged that it was necessary that there should be an affidavit made by 'the party' or his agent, which ever of them made the payment, and that such an affidavit is absent. There is an affidavit on the file in which the agent of the party states that the payment was made and how, it was made. In this affidavit it is stated that the payment was made by means of a cheque of Dr. Suresh Chander Banerji. The natural inference to be drawn from the words of the affidavit is that the agent who made the affidavit got the cheque and brought it to the Pleader. This, it seems to us, is a sufficient compliance with the rule. There is, however, a further objection to the present application, namely, that the application is made after the decree has been signed and sealed. In effect we are asked to amend a decree which is now the subject-matter of an appeal to the

Privy Council. We think that the application is without force and should be rejected.
We order accordingly.

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