

Ram Lal Singh Vs. Behari Singh

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Court : Allahabad

Decided On : Apr-09-1924

Reported in : 87Ind.Cas.371

Judge : Daniels, J.

Appellant : Ram Lal Singh

Respondent : Behari Singh

Judgement :

Daniels, J.

1. In this case a preliminary objection is taken that no revision lies. That objection is, in my opinion, well founded. While the appeal was pending in the Court below the parties agreed to refer their dispute to certain arbitrators. These arbitrators made an award. The award was attacked as vitiated by misconduct on the ground that the arbitrators made secret enquiries. It appears to have been common ground that they had made secret enquiries. The learned Subordinate Judge held that this amounted to misconduct and, therefore, entertained and decided the appeal from the Munsif's decision with out reference to the arbitration. It may be that I should have come to a different conclusion on the legal question, but it cannot be said that the learned Judge acted without jurisdiction or that he acted illegally or with material irregularity in deciding a point of law. which arose before him for decision and which he had jurisdiction to decide. A similar view was taken

in the case of Ganga Sahai v. Beldeo Singh 65 Ind. Cas. 779 : (1922) A.I.R. (A.) 64 : 20 A.L.J. 117 which is practically on all fours with the present case.

2. I, therefore, accept the preliminary objection and dismiss the application with costs.

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