

Thirtha Swami Vs. Thirtha Swami and ors.

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SooperKanoon Citation : sooperkanoon.com/774081

Court : Chennai

Decided On : Dec-16-1901

Reported in : (1902)12MLJ34

Appellant : Thirtha Swami

Respondent : Thirtha Swami and ors.

Judgement :

1. A preliminary objection has been raised as to whether an appeal lies under the Letters Patent against the order of Benson, J. As the effect of that order refusing to receive the sum ordered to be paid as security, would be to finally deprive the appellant of the power of prosecuting his appeal, we consider that the order of Mr. Justice Benson amounts to a judgment within the meaning of Section 15 of the Letters Patent and that there is consequently an appeal against it. As the order of Mr. Justice Boddam ordering security to be furnished was indefinite in that it did not fix an exact date on or before which security was to be given, we consider that the sum tendered to this Court as security should have been received. We accordingly direct that the same be received provided it be tendered in cash to the Registrar of this Court on or before the 20th instant and the time for furnishing security is extended to that day. The Advocate-General on behalf of the appellant states that he does not wish to prosecute appeal No. 227 of 1900 against the legal representative of the 1st respondent.

2. The parties will bear their own costs of this appeal.

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