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Narasinga Bakshi and anr. Vs. Govinda Bakshi and anr.

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SooperKanoon Citation : sooperkanoon.com/779826

Court : Chennai

Decided On : Jul-18-1900

Reported in : (1900)10MLJ355

Appellant : Narasinga Bakshi and anr.;govinda Bakshi and anr.

Respondent : Govinda Bakshi and anr.;narasinga Bakshi and ors.

Judgement :

1. The question is whether an appeal lies against an order passed in regard to compensation under Section 491, Civil Procedure Code. At first sight it would appear that the order would be appealable as a decree, inasmuch as the award forms part of the decree under the express direction of the section, and the order is not one of those enumerated in Section 588, Civil Procedure Code. We observe, however, that the terms of the parallel Section 497, Civil Procedure Code, are precisely similar to those of Section 491, and Section 588, Clause 24 provides for an appeal against an order under that Section (497). The inference is that there would be no appeal but for this provision, and as there is no similar provision for Section 491, we must conclude that the Legislature did not intend to allow an appeals against an order passed under this section.

2. Both these second appeals must, therefore, be dismissed with costs.

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