

Rahima Bibi Vs. Hamida Bibi and ors.

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SooperKanoon Citation : sooperkanoon.com/816369

Court : Chennai

Decided On : Mar-09-1916

Reported in : 33Ind.Cas.857

Judge : Sadasiva Aiyar and ;Moore, JJ.

Appellant : Rahima Bibi

Respondent : Hamida Bibi and ors.

Judgement :

1. Following Lachminia Kuar v. Ruder Deo Naram Singh 9 Ind Cas. 207 we hold that the Court has got a discretion to stop the proceedings in the inquisition for proper grounds, there being no provision in the Act which entitles the petitioner to have the inquiry conducted so long as he is able to tender witnesses for examination.

2. We think that in this case (to use the language of the judgment in the above quoted Allahabad case) 'the medical evidence militates against the idea of any further inquiry being necessary' and 'the Court exercised a wise discretion in refusing to proceed further into the case.'

3. The appeal is dismissed with costs.