

In Re: Soorjmukhi Koer

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SooperKanoon Citation : sooperkanoon.com/851682

Court : Kolkata

Decided On : Mar-16-1877

Reported in : (1877)ILR2Cal272

Judge : Richard Garth, C.J., ;Macpherson and ;Markby, JJ.

Appellant : In Re: Soorjmukhi Koer

Judgement :

Richard Garth, C.J.

1. We consider that we may answer both those questions by saying that the requirements of Section 11 as to the deposit of costs are not absolutely imperative. Had they been so, this Court would not have any power to modify them. But we think they are not so. There is no provision similar to that in Section 10 requiring the petition to be dismissed in case of default. We think, therefore, that the Court has some discretion, and that it would be in all cases a reasonable exercise of that discretion, if, when the period for making the deposit expires on a day when the offices of the Court are closed, the deposit were allowed to be made on the day that the offices re-open.