

**In Re: Mulla Adjim**

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**SooperKanoon Citation :** [sooperkanoon.com/851691](http://sooperkanoon.com/851691)

**Court :** Kolkata

**Decided On :** Mar-14-1887

**Reported in :** (1887)ILR14Cal351

**Judge :** W. Comer Petheram, C.J. and ;Cunningham, JJ.

**Appellant :** In Re: Mulla Adjim

**Judgement :**

**Cunningham, J.**

1. The first point which arises in this appeal is the question whether we have any right to hear it. We think we have not. The powers of appeal from the Court of the Recorder of Rangoon are of a special character, and are defined in Section 49 of Act XVII of 1875, which lays down certain money limits within which, and within which alone, an appeal lies be the High Court here. Then Section 28 of Act XL of 1858 provides that all orders passed under the Act shall be open to appeal under the rules in force for appeals in miscellaneous oases from the orders of such Courts. We might have felt some doubt as to the effect of these two provisions but for the provisions of Section 95 of the Burmah Courts Act, which expressly refers to Act XL of 1858, and in effect embodies it as one of the enactments of the Act itself.

2. We think, therefore, that it is perfectly clear that the appeal given in Act XL of 1858 is subject to the ordinary law of appeal as laid down in the Burmah Courts

Act; and consequently, as in this case there is no specific money value which enables us to say that an appeal does lie to this Court, we must, following former rulings of this Court on the point, hold that no appeal lies. The present appeal must therefore be dismissed.

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