

Hewetson Vs. Deas and ors.

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Court : Kolkata

Decided On : Jan-08-1894

Reported in : (1894)ILR21Cal526

Judge : Beverley and ;Ameer Ali, JJ.

Appellant : Hewetson

Respondent : Deas and ors.

Judgement :

Beverley and Ameer Ali, JJ.

1. We think that, having regard to the fact that the insolvency alleged took place so long ago as in 1873, and that the second appeal in this case has been admitted by a Bench of this Court under Section 551* of the Code, we ought not to call upon the plaintiff, appellant, to furnish security. The rule will, therefore, be discharged, hut without costs.

* Power to confirm decision of lower Court without sending it notice.

[Section 551 : The Appellate Court may, if it thinks fit, after fixing a time for hearing the appellant or his pleader, and hearing him accordingly if he appears at such time, confirm the decision of the Court against whose decree the appeal is made, without sending notice of the appeal to such Court and without serving notice on

the respondent or his pleader; but in such case the confirmation shall be notified to the same Court.]

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