

Peacock and ors. Vs. Byjnath and ors.

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SooperKanoon Citation : sooperkanoon.com/864180

Court : Kolkata

Decided On : Aug-12-1883

Reported in : (1884)ILR10Cal58

Judge : Pigot, J.

Appellant : Peacock and ors.

Respondent : Byjnath and ors.

Judgement :

Pigot, J.

1. Ordered the suits to be set down and heard together: commission to be varied and to be considered as taken in both suits. Both parties to be at liberty to adduce such witnesses as they may be advised; plaintiffs to furnish defendants, and defendants to furnish plaintiffs in second suit, with list of documents duly verified by the plaintiffs' agents within ten days. Inspection to be given immediately of all documents so set out, and, if necessary, order to be transmitted by plaintiffs; plaintiffs, if requested by defendants, to transmit order by wire to enable inspection of such documents as may have been transmitted to England at all reasonable times and places. Costs reserved, in dealing with which it should be considered whether plaintiffs were in default in not including all causes of action in one suit, or whether their conduct is susceptible of explanation.

