

Than Singh Vs. Chundun Singh and ors.

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SooperKanoon Citation : sooperkanoon.com/867186

Court : Kolkata

Decided On : Feb-11-1885

Reported in : (1885)ILR11Cal296

Judge : Mitter and ;Trevelyan, JJ.

Appellant : Than Singh

Respondent : Chundun Singh and ors.

Judgement :

Mitter and Trevelyan, JJ.

1. We are of opinion that in both these cases no second appeal lies. The suit of the plaintiff against the defendants was dismissed by the Munsiff. The plaintiff then filed an application for review, and that application was granted by the Munsiff. An appeal was preferred by the defendants against the order, granting a review under Section 629 of the Code of Civil Procedure. The District Judge set aside the order granting the review so far as the respondents in second appeal No. 2925 were concerned, but affirmed the order so far as the appellant in appeal No. 296 was concerned. Against the order of the District Judge, passed under Section 629, these two appeals have been preferred. There is no provision in the Code which allows a second appeal against the order passed on appeal under Section 629. Both these appeals are, therefore, dismissed without costs.

