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Budri Naraln Vs. Sheo Koer

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Court : Kolkata

Decided On : Jun-02-1885

Reported in : (1885)ILR11Cal716

Judge : Richard Garth, C.J. and ;Mitter, J.

Appellant : Budri Narain

Respondent : Sheo Koer

Judgement :
ORDER

Richard Garth, C.J. and Mitter, J.

1. We find that it has been decided by the Allahabad High Court, in the case of Haidri Bai v. The East Indian Railway Co. I.L.R. 1 All. 687 that where the High Courts orders an appellant to give security for costs, the Court may extend the time within which it orders the security to be furnished if an application is made within that time; but if the security is not given within the time ordered by the Court, and no application is made within that time to extend the time for giving security, the Court is bound by Section 549 of the Civil Procedure Code to reject the appeal.

2. We agree that this is the proper construction of the section, and we accordingly dismiss the appeal with costs.

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