

Byjnath and ors. Vs. Graham and ors.

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SooperKanoon Citation : sooperkanoon.com/874213

Court : Kolkata

Decided On : Aug-31-1885

Reported in : (1885)ILR11Cal740

Judge : Pigot, J.

Appellant : Byjnath and ors.

Respondent : Graham and ors.

Judgement :

Pigot, J.

1. In this case there is a point of law determined which did not arise in the other cases heard with it, and on that point, at least, the Judges express their opinion that their construction of Section 103 of the Contract Act is not free from doubt. The case of Ko-khine v. Snadden L.R. 2 P.C. 50 is not without some bearing on the question arising in this application. The several cases heard by the Special Bench are closely connected in subject-matter, and as the Judges in the case alluded to thought the matter fit for appeal, so I think here that the applicants, although not interested to the extent of Rs. 10,000 in the amount of the decree passed against them, still are interested, to a substantial amount, in the question, which must be in issue in the appeals which are allowed as of right. I think, therefore, that I ought to grant a certificate under Section 295 that the case is one fit for appeal to Her Majesty in Council.

