

Gulzari Lal Vs. Latif Husain

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Court : Allahabad

Decided On : Jan-03-1916

Reported in : AIR1916All325; 35Ind.Cas.27

Judge : Tudball and ;Walsh, JJ.

Appellant : Gulzari Lal

Respondent : Latif Husain

Judgement :

Tudball, J.

1. This is an appeal from an order of remand passed by a District Judge in a simple suit for rent. A preliminary objection is taken that no appeal lies to this Court. The suit was instituted in the Court of an Assistant Collector of the second class and was decreed. An appeal was preferred in the Court of the Collector of the District which upheld the decree. A second appeal was preferred to the District Judge under the provisions of Section 180, Clause (2). The learned District Judge has remanded the case through the Court of the first appeal to the Court of first instance for decision, in view of certain remarks made by the District Judge in his judgment. Act II of 1901, Section 175, clearly lays down that no appeal shall lie from any decree or order passed by any Court under this Act excepts as hereinafter provided. Appeal from District Judge's decisions are governed; by Section 182, which allows only second, appeals to this Court from a decree in appeal of a District Judge in accordance with the provisions of Chapter XLII of; the Code of Civil Procedure (Act XIV of 1882). In view of the above section and of the provisions of Section 193, Clause (a), it is quite clear that no appeal lies to this Court from the order of remand passed by the Court below. The preliminary objection must, therefore, prevail and the appeal is rejected with costs.