

Kunwar Indra Bikram Singh Vs. Gaya Prasad and anr.

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Court : Allahabad

Decided On : Sep-14-1934

Reported in : AIR1935All140

Appellant : Kunwar Indra Bikram Singh

Respondent : Gaya Prasad and anr.

Judgement :

Collister, J.

1. This is an appeal from an order of the District Judge of Shahjahanpur, remitting a certain issue to the trial Court under Order 41, Rule 25, Civil P.C. The question arises whether an appeal lies from such an order. Under Order 43, Rule 1(u), Civil P.C., an appeal lies from an order remanding a case, but the order before us is not an order of remand at all, but merely an order remitting an issue to the trial Court and the lower appellate Court has retained seisin of the case. Nor can it be said that it is an appealable order passed under Section 47 for it is not a question 'relating to the execution, discharge or satisfaction of the decree.' In our opinion no appeal lies, and the appeal is accordingly-dismissed under Order 41, Rule 11, Civil P.C.