

Satyendra Nath Dey Vs. the Secretary of State for India in Council

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Court : Kolkata

Decided On : Jan-07-1916

Reported in : 37Ind.Cas.110

Judge : Herbert Holmwood and ;Imam, JJ.

Appellant : Satyendra Nath Dey

Respondent : The Secretary of State for India in Council

Judgement :

1. The order of the District Judge appears to be in accordance with Section 56 of Act IV of 1912, the provisions of which are the same as Section 20 of Act XXXV of 1858 on which the learned Judge relies. The Land Acquisition Judge, therefore, has not jurisdiction to refuse to pay out the particular sum directed by the District Judge to be applied by the petitioner for the maintenance of the lunatic or his family. The Rule is, therefore, made absolute and the order complained of is set aside. There will be no order for costs as the Secretary of State leaves the matter in the hands of the Court and does not oppose.