

[13] *The 31st January, 1850.*

PRESENT: SIR R. BARLOW, BART., AND J. R. COLVIN, ESQ., *Judges,*
AND J. DUNBAR, ESQ., *Officiating Judge.*

CASE NO. 61 OF 1849.

Special Appeal from a decision passed by the Judge of Hooghly, July 13th, 1848; amending a decree passed by the Principal Sudder Ameen, January 14th, 1847.

BINDRABUN CHUNDER BABOO, *Appellant (Plaintiff) v. KISHEN KISHORE, RAJINDUR CHUNDER NEOGEE AND BISHENNATH SOOR, Respondents (Defendants).*

[See Head-note to 6 S.D.A.R. 11, *supra.*]

Wukeel of Appellant—J. G. Waller.

Wukeel of Respondents—Ramapershad Raee.

THIS case was admitted to special appeal, on the 4th January 1848, under the following certificate recorded by Sir R. Barlow :

'The particulars of this case are also to be found in the Hooghly decisions for July 13th, 1848, page 142.

'The petitioner (appellant) is co-sharer with the plaintiff in case No. 60 of 1849 (preceding) Badam Bibi *versus* Kishen Kishore and the others, and applies on the same grounds for a special appeal.

'The judgments of the lower courts in both cases are the same; and the reasons recorded this day by the court for admission of special appeal in case No. 60, are equally applicable to the case of the petitioner, which is numbered, as above, 61.'

JUDGMENT.

The special appellant in this case is co-sharer of Badam Bibi, in case No. 60 (preceding). The circumstances and pleadings in both are the same, and a similar judgment is recorded in both by this court.

[14] *The 31st January, 1850.*

PRESENT: SIR R. BARLOW, BART., AND J. R. COLVIN, ESQ., *Judges,*
AND J. DUNBAR, ESQ., *Officiating Judge.*

CASE NO. 39 OF 1849.

Special Appeal from a decision passed by R. J. Loughnan, Esq., Judge of Patna, May 11th, 1848; affirming a decree passed by E. DaCosta, Esq., Principal Sudder Ameen, January 26th, 1847.

RAJ KOMAR SINGH AND OTHERS, *Appellants (Plaintiffs) v. RAMSURN SINGH, Respondent (Defendant).*

[*Procedure—Special appeal—Act III of 1843—Certificate not specifying point on which appeal admitted—Appeal not triable.*]

A special appeal cannot be tried upon a certificate not shewing upon what particular point, coming within the provisions of Act III of 1843, the petition has been admitted.

Wukeel of Appellants—J. G. Waller.

Wukeel of Respondent—Gholam Sufdur.