

Equivalent Citation: AIR 1924 Lah 189, 71Ind. Cas.813

IN THE HIGH COURT OF LAHORE

Decided On: 27.06.1922

Appellants: **Nanak Chand and Ors.**

Vs.

Respondent: **Sajad Hussain and Ors.**

Hon'ble

Abdul Raof, J.

Judges/Coram:

JUDGMENT

Abdul Raof, J.

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1. This appeal was dismissed for want of prosecution on the 18th October, 1921. This application is made for restoration mainly on the ground stated in paragraph (2) of the petition which runs as follows:

That an important case in which Pandit Sheo Narain and Mr. Noad, Government Advocate, were engaged was fixed at No. 3, but was without the consent of the appellant's Counsel and without notice to him, put down lower in the list so that the above noted appeal was taken up much before the expected time in the absence of the petitioner's Counsel.

2. There is no rule laying down that where a Judge for any reason orders a case, which is before him for hearing, to be put down lower in the list he must give notice to the Counsel of the parties in other cases. On the other hand, Counsel are expected to be present within the compound of the Court if they have got any case in the list. It is admitted that the Counsel for the appellant was not in the Court compound when case was called for hearing. Having regard to the present practice regulating the hearing of cases the plea, put forward by the petitioner, if accepted, would bring the work of the Court to a standstill. On principle I must refuse to accept this application. I accordingly reject it with costs, as the opposite party is represented by Counsel and opposes the petition.