

RE-ADMISSION OF APPEALS DISMISSAL UNDER ACT XXIX OF 1841 ACT 1845

ACT No. XVI. OF 1845

(Rep., by Act 12 of 1873)

[16th August, 1845].

Passed by the Governor General of India in Council on the 16th of August, 1845.

AN Act for regulating the re-admission of Appeals after dismissal under Act XXIX. of 1841.

Whereas the Provisions of Act XXIX. of 1841 are inconveniently severe as-regards Appeals and it is expedient to mitigate the strictness thereof:

I. It is therefore hereby enacted, that whenever an appeal in any of the Courts of the East India Company in the Presidencies of Bengal or Madras, shall after the passing of this Act have been dismissed under the Provisions of the said Act XXIX. of 1841, it shall be competent to the Court which shall have dismissed such Appeal to re-admit the same if the Appellant shall make application for that purpose on the Stamp prescribed for miscellaneous Petitions, within three months after the Appeal shall have been dismissed if dismissed by the Sudder Court, and within one month after the Appeal shall have been dismissed if dismissed by any other Court, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel or by unavoidable accident.

II. And it is hereby enacted, that it shall be competent to any of the said Courts to re-admit any Appeal which may have been dismissed before the passing of this Act under the Provisions of Act XXIX. of 1841 if the Appellant shall make application for that purpose on the Stamp prescribed for miscellaneous Petitions, within three months after the passing of this Act, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel or by unavoidable accident.

III. Provided always and it is hereby enacted, that no Appeal which has been re-admitted under this Act, and again dismissed under the Provisions of Act XXIX. of 1841, shall be again re-admitted.
