[O. H. C.–308]

(CIVIL / CRIMINAL)

HIGH 20 COURT

_____ *DEPARTMENT*

_____ *BRANCH*

Collection No. _____

File No. _____

SUBJECT

150/1900

REFERENCE TO PREVIOUS CORRESPONDENCE

REFERENCE TO SUBSEQUENT CORRESPONDENCE

OGP–MP–DTP–U1 (H. C.) 35–1,00,000–15-03-2021

35-HC

AGFA DigiControl V6.2.10

[P. H. C. Sch. III-1.]

In the High Court of Judicature at Patna.

(Civil Appellate Side.)

FR000329

TITLE PAGE.

PART I.

(THIS FILE MUST BE PRESERVED FOR EVER.)

APPEAL FROM Original Decree

No. 150 of ~~19~~ 1900

Madhu Sudan Dass. Appellants.

versus

Collector of Cuttack. Respondents.

DATE OF DECISION OF HIGH COURT 20/12/1901.

DITTO OF PRIVY COUNCIL

150/1900-01

P. L. P.—No. 48 J. (F.) 8,000—20-6-17.

In the High Court of Judicature at Patna.

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~~7~~ Appeal No. 150 of ~~191~~ 1.

Madhoo Sudan Das Appellant,

versus

Collector of Cuttack Respondent.

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150/1900-02

In the High Court of Judicature at Fort William in Bengal.

(APPELLATE CIVIL JURISDICTION.)

APPEAL FROM ORIGINAL DECREE No. 130 OF ~~89~~ 1900

Appeal preferred on the 25th of May 1900
~~89~~, against the decree of Babu Bihary Lal
Mullick, Subordinate
Judge of Zillah Cuttack dated the
25th of February 1900 ~~89~~.

Madhusudan

Claimant,

Appellant,

The Collector of Cuttack,

Opposite Party,

Respondent.

150/1900 ^03

Appeal valued at Rupees 307/-

Upon the hearing of this Appeal in a Division Court before

The Hon'ble Sir Francis William Maclean, K.C.I.E. Chief Justice

and

The Hon'ble Gooroo Dass Banerji

one of the Judges of this Court,

on the 20th day of December 1901,

—It is ORDERED ~~and DECREED that~~ that the decree of the lower Court be set aside and the case remanded to that Court to be dealt with in accordance with the directions contained in the judgment of this Court in this appeal, a copy whereof is herewith annexed.

Dated this 20th day of December in the year of our Lord one thousand ~~and~~ nine hundred and one

R. Quite for Respt
Abdul Mohip

Francis W. Maclean
Gooroo Dass Banerji

20 Rs.

INDIA INDIA

TWENTY RUPEES

INDIA

INDIA COURT FEE

R 27/12

1900
10

A.O. No 130 of 1900

In the High Court of Judicature at Fort William in Bengal

(Civil appellate jurisdiction)

Memo of appeal from Original decree Burdwan

45

Madhusudun Das - - - Appellant

Versus

The Collector of Cuttack Respt

140
Ahmed
28-5-10
Dt. Ahm

Filed 25.5.10

Copy

K.O. 1900-04

57

Dr. Ashu Tosh Mukerjee,
Vakeel High Court.

27-12-

2-12
27-12-

Kunja Lal Pal.

25/5/1910

23

Maoluendan Das

Thugs.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

(Civil Appellate Jurisdiction.)

MEMORANDUM OF APPEAL FROM Original DECREE.

Suit Valued at Rs.

Appeal Valued at Rs. 367/-

Appeal under the [illegible] Sequ[illegible] Appellant

Maoluendan [illegible]

Sem

The Collector of Cuttack ..... Respondent

The abovenamed [illegible] Appellant being dissatisfied with the Judgment and Decree of the Su[illegible]ciate Judge of Cuttack, dated the 26th of Feb, 19[illegible], ~~those of the~~ ~~Munsiff of~~ ~~1~~, begs to prefer this Appeal from ~~Appellate~~ original Decree in this Hon'ble Court, making the abovenamed opposite party, Respondent on the following amongst other

Grounds.

150/1900-05

Grounds

1. For that the Court below has wholly misunderstood the principle on which valuation of lands ought to have been made under the circumstances of these cases.

2. For that the Court below has erred in holding that evidence relating to the value of lands in the native quarter does not support the claimants case.

3. For that the Court below has erred in holding that there is no evidence in these cases to prove that the claimant had intended to use the lands to greater advantage than at present.

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150/1900-06

4. For that the Court below has.

has erred in holding that the fact that the co-sharer has accepted the collector's award proved that such award is based on reasonable valuation, whereas the Court below has overlooked the fact that the award accepted by the co-sharer was not in respect of lands situated within the Commission.

5. For that the Court below has erred in holding that the fact of a co-sharer having accepted an award is any evidence at all that the valuation is just.

6. For that the Court below has erred in holding upon the evidence on the record that the claimant has got an increased rent on account of the Railway

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150/900-07

7. [illegible] Below [illegible] that the claimant [illegible] any damage [illegible] acquisition [illegible]

[illegible] other [illegible] finding is opposed to [illegible] evidence on the [illegible] erroneous in law.

8. For that [illegible] below has erred in supposing that lands in native quarters are in great demand or that such lands are greater in value than those in the locality in which the claimants lands are situated.

9. For that the Court below has erred in supposing that it is necessary for the claimant to prove that he had an actual intention or that he had taken steps

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steps to [illegible] effect to an intend[illegible]
to lay [illegible] the lands in a more
lucrative [illegible] advantageous way
than [illegible]

10. For that the Judgement in the
Court below is based on speculative
and hypothetical grounds which
are not [illegible]ported by the evidence
on the [illegible]d.

11. For th[illegible] the Court below
has wholly misunderstood the
scope of Sec 23 cl (4) of the
land acquisition act and should
have held that the elements have
been proved which entitle the
claimants to damages under
that section.

12. For that under the whole evidence
on the record and upon a
proper view of the law
applicable

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applicable thereto, the Court below should have held that the amount awarded is inadequate and unfair.

List of papers

This petition — 1

Vaccination of [illegible]

[illegible] of the lower Court — 2

Total — 4

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155/1900-10

7

89

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COURT FEE

TWO RUPEES

Rs 150/00

Madhu Sudan Das

Witnessed by Sarat Ch. Mukhe

190/1900-11

COURT FEE
R-Chillies
TWO RUPEES

Reg 150/00

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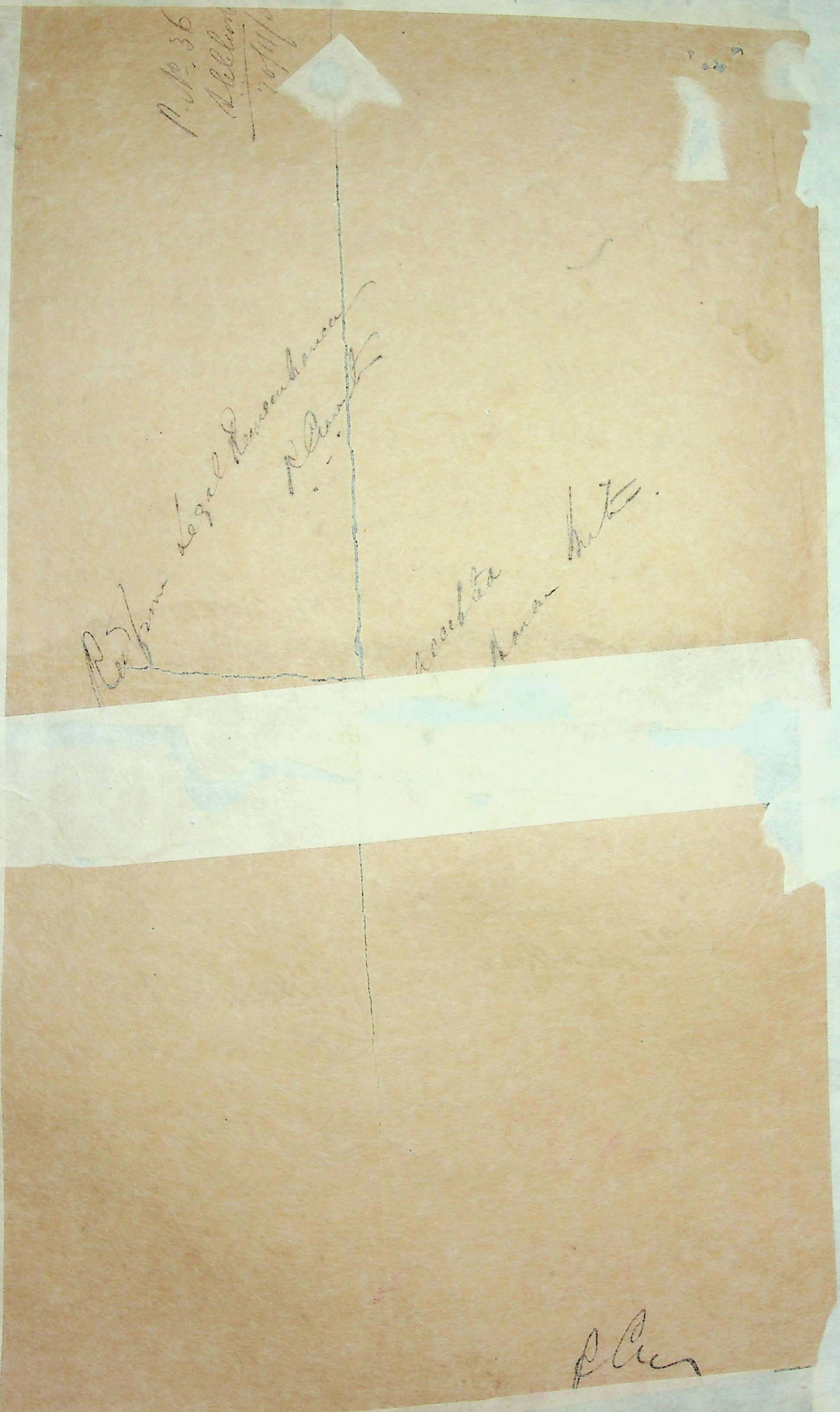
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