IN THE HIGH COURT OF JUDICATURE AT PATNA.

(Civil Appellate Side.)

TITLE PAGE.

PART I.

(THIS FILE MUST BE PRESERVED FOR EVER.)

APPEAL FROM A. D. No. 243 OF 1914

Bhabanandar Mohanti Appellant,

Versus

Panno Dass Respondent.

DATE OF DESCIION OF HIGH COURT 18/5/16

DITTO. OF PRIVY COUNCIL

243/1914-01

P. L. P.—No. 48—J. (F) 2000-17-1-16.

TABLE OF CONTENTS.

HIGH COURT OF JUDICATURE AT PATNA.

S. APPEAL No. 243 OF 1914.

Brahmanand Lal Appellant,

versus

Panoo Das Respondent.

243/1914-02

1.

ORDER SHEET.

3 Appeal No. 243 of 1914.

Brahmanunda Mohanty A. — G. C. Paul

v

Panno Das — R — S. C. Chakravarti

Serial Number of order or proceeding.	Date of order or proceeding.	Order or other proceeding with signature of Judge or of the Peshkar under direction of the Judge.	Office note as to action taken on order, (if any).
1	18. 5. 16	Appeal heard, and set aside the order of the L. appellate Court, and remand the case to Lower appellate Court for finding, costs abide the result. Peshkar	
	12. 6. 16	Decree prepared & signed & decided this day. Peshkar	

243/1914-03

60 Rs.

2.

INDIA COURT FEE

Brahmananda Mohanty. Through Birshabh Pal Vakil.

20 Pannaik 2.1.16

Group VI

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

Civil appellate jurisdiction.

Memo of Appeal from appellate Decree No. 243/1914 Cuttack

Brahmananda Mohanty .... Appellant,

vs

Panu Das & others ..... Respondents.

Appeal valued at Rs. 2100

No. 1032
Sold to Girish Chandra Paul
of Vakil High Court

Girish Chandra Paul
Treasurer

Calcutta Municipal
Treasury
Tho. 2/11/

D 187
Dk 2/11

Court fee Rs 60/-

3.

Brahmananda Mahanty through his son Gopal Vs

In the High Court of Judicature at Fort William in Bengal

Civil appellate Jurisdiction

2nd appeal no (Cuttack.)

Chalan no. 4061 for printing cost

Brahmananda Mahanty, resident of Anagan, pergn Hariharpur, District Cuttack, for self and as Shevait of the idol Madan Mohon Jee of the same place and of the idol Paramhansanath Mahadev of Paramhansa pergn Kohunda and of Jatheswar Mahadev of Uttarasasan, Mahajan Sahi, pergn Hariharpur (pltff) . . . . . Applnt

vs

1. Panu Das, 2. Radhu Das of Madhyasasan, Mahajan Sahi, pergn Hariharpur, District Cuttack, 3. Ganeswar Mahanty, resident of Anagan, pergn Hariharpur District Cuttack (defdts) . . . . . Respdts.

2nd appeal in a declaratory suit valued at Rs 2100 the Court fee valuation of the disputed property being Rs 800/- only

The above named pltff being aggrieved by the judgment + decree dated 6th Sept 1913 of the Court of the District Judge of Cuttack in Subjudge appeal no 135 of 1912, confirming the decision of 9th march 1912 of the Court of the Subordinate Judge in suit no 583 of 1910 begs to prefer this 2nd appeal in this Hon'ble Court against the above named defdts on the following amongst other

Grounds:-

1. For that the lower appellate Court is in error in dismissing the suit on the ground of multifariousness

293/1914-05

2.

20 Ask the Vakil of the Appellant to state the amount upon which Court fee has been paid on this Appeal.

[illegible]
Deputy Registrar
12 - 1 - 14.

The Vakil has now stated the amount. The Court fee paid is sufficient.

[illegible]
2 - 2 - 14

Register the Appeal.

[illegible]
Deputy Registrar
2. 2. 14.

2. For that the Court of appeal below should have found that the pltffs cause of action arose out of acts resulting from the fraud + collusion of the defts who combined with one another in order to deprive the pltff during his minority, of his legitimate share in his ancestral properties

3. For that the courts below have erred in law in giving effect to the exparte decree as against the pltff in suit no 1533 of 1906 in as much as the said decree was a nullity, it having been passed against him while he was minor and he was not represented by his mother although she was held to be the proper guardian-ad-litem of the minor.

4. For that the courts below should have found that the filing of the written statement by the mother alleged to be acting for the minor + then the obtaining of an exparte decree in suit no 1533 of 1906 against the minor represented by deft no 3 are the results of fraud committed by the defts.

5. For that the courts below should have found that the absence of an order appointing the mother as guardian-ad-litem of the minor + the passing of the exparte decree in suit no 1533 of 1906 against the minor as represented by another person viz deft no 3 made the decree a nullity as against the pltff.

6. For that the courts below have erred in law in holding that the sale in execution of the decree in suit no 1533 of 1906 could affect the property of the minor.

7. For that the bond the subject-matter of suit

243/

The appeal will be heard.
Send for the record and issue the
usual notices.

B. Girish Chandra Pal
- for appellant

Dated 21st April 1914.

Ch. & Chatterjea
C.V. Benerjee.

suit no 2796 of 1906 having been executed by defdt no 3 alone + there being no finding in that suit that the minor, now the pltff, was in any way benefited by the money alleged to have been borrowed under that bond. and the finding of the learned Subjudge regarding the service of notice upon the minor or his mother having been challenged in appeal + the learned District Judge not having come to any finding on that point, the decision is wrong.

8. For that even conceding but not admitting that the defdt no 3 Ganeswar Mahanty was the adopted son of Upendra Mahanty the natural father of the pltff, the courts below are wrong in holding that the sales in execution of the decrees in suits nos 1388 + 1529 of 1906 affected the minor's share in the ancestral properties in-as-much as the minor was not made a defdt in those suits.

9. For that the court of first instance should have held that there was no necessity for specifying the exact share of the minor in the ancestral properties in-as-much-as it has been definitely laid down by law what the share of the adopted son would be in proportion to that of the natural born son.

10. For that the learned District Judge is in error in dismissing pltff's suit on the ground of multifariousness as the pltff sued in his own capacity and in his capacity as shebait of his family-idols, the cause of action being joint viz fraud + collusion on the part of the defdts.

11. For that the court of appeal below has failed

failed to come to any finding as to whether some of the properties in suit are Debattar and has also failed to come to any finding on the other points urged in appeal.

12. For that the finding of the learned District Judge that the defdt no 1 is not interested in the alleged purchase of defdt no 2, nor is defdt no 2 interested in the alleged purchase of defdt no 1 is incorrect & contrary to the pleadings in the suit.

Certified that the grounds above set forth are each of them good grounds of 2nd appeal

Girish Ch Paul
Vakil.
2-1-14

List of Papers.
Judgment & decree appealed against — 2
Judgment & decree of the Court of 1st instance — 2
Vakalatnama — 1
Memo of 2nd appeal — 1
— 6

High Court
Dated 2nd January 1914

Date of ~~[illegible]~~ 7.12.10

" " appeal 20.4.12

" " receipt

of ~~record~~ 29.7.14

This petition

Copies of ~~[illegible]~~

& ~~[illegible]~~

s

Ob 1-8 expired 2.1.14

THREE ANNAS

COURT FEE

18.

80

Ca. 243/14

Decree in appeal.

(Order 41, Rule 35 Code of
Civil Procedure) — District Cuttack, to the
Court- of the District Judge at
Cuttack. Brahamsa bandh Mohanty Son of
Upendra Mohanti deceased of Nuagan Raghu
Hariharpur - - - - - - - - - - - - Plaintiff.
Sebait Marfatdar of Sri Madanmohan jew
Thakur present at Nuagan P.O. Hariharpur
and of Sri Parmahans Late Mahadeb
present at Harihar Mahajan Sahi Praft
Hariharpur - - - - - - - - - Appellant. versus.
1. Pani Dai Son of Kripasindhu Dai
deceased 2. Radhu Dai Son of Pana
Dai alias of Madhya Satan Maha-
-Jan Sahi and 3. Ganeswar Mohanty
Son of Banamali Mohanti deceased of
Nuagan P.O. Hariharpur - - - - - - - - - Defendants
Respondents. - Appeal to 135 of
1912. from the decision of the
Court of the S J of
Cuttack dated the 20th day of
March 1912 O S No. 583/12.
This appeal coming on for hearing
on the 4th day of September

243/1914-09

Date of application for the copy.	Date of notifying the requisite number of folios and stamps.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.
12/11/13	18/11/13	22/29/11/13	29.11.13	2/12/13

No. 6247

Harekrishna Das.

Sukar

THREE ANNAS

1913 before A R Pratt Esqr.
I.C.S. District Judge of
Cuttack in the presence of Babu
B. N. Sinha Vakil for the
Appellant and of Rai J. N.
Bhar Bahadur Vakil for the Respondent
1 and 2 and Respondent No
3 did not appear though duly
served with notice. That the appeal
is dismissed with costs to the Respondent.
The costs of this appeal, as
detailed below amounting to Rs 105-8-3
(Rupees one hundred and five, annas
eight and pies three only) are
to be paid by the appellants
to the Respondents.

Given under my hand this 6th
day of September 1913.

Sd. A. R. Pratt. 10.9.13.
District Judge.

Sd. A. C. Das Shivadas.
Sd. B. N. Sinha Vakil.
Sd. J. N. Ban Vakil.

Cost of appeal.

Appellant.	Amount.	Report	Amount & Mp.
	Rs. a. p.		

Stamp for Memorandum of appeal Rs. a. p. Stamp for Rs. a. p.

243/1914-10

THREE ANNAS

Applicant —	amount —	Respondents —	amount —
Stamp for Sewan	Rs 8-0	Pleader's fee on Rs 2100	Rs 105-
Service of Processes	Rs 4-0-0	Cartridge paper	0-0-3
Pleader's fee on Rs 2100	105-0-0		
Certified copies of judgment	7-2		
Cartridge papers	0-2-6		
Total Rs	176-12-6		

Which to take back documents. The parties in this case are hereby required to take back as soon as the decree shall have become final the documents produced by them which are exhibited in the case. If they fail to take them back the documents will be destroyed at such time as the Court may prescribe.

By A. R. Perera.

Dist Judge.

Pl. B. H. Sentes. Def. J. N. Basu.

Pl. B. Mahapatra.

Copied.

Examined and found to be a true copy.

Sub-Registrar

29.11.13

Certified to be a true copy

Sub-Registrar

Authorised under section 76 Act I of 1872

243/1914-11

THREE ANNAS

COURT FEE

TRUE COPY

ONE RUPEE

Decree in original suits

Order 20, Rule 6 and 7. Code of Civil procedure

[illegible]

(illegible)

[illegible]

243/1914-12

5.

Date of application for the copy.	Date of notifying the requisite number of folios and stamps.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.
19/3/12	20/3/12	21/3/12	25/3/12	26/3/12

No. 1499

Harikrishna Das.

Pr. Re

243/1914-13

Date of application for the copy.	Date of notifying the requisite number of folios and stamps.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.

243/1914-14

Date of application for the copy.	Date of notifying the requisite number of folios and stamps.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.

243/1914-15

Date of application for the copy.	Date of notifying the requisite number of folios and stamps.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.

5

12

૪ આ કેસ માં મોટા ખર્ચ કરવાનું કારણ મારું પૂર્વ નિયત કરવાનું હતું. પણ
બીજા કારણો હતાં. દાખલા તરીકે નાણાં ની મુશ્કેલી હતી. પણ
૧૦-૧૨ રૂપિયા ખર્ચ થયો હશે ॥—

૫ આ કેસ માં મારી સાંભળી નિયત કરવાનું હતું. કુટુંબ નિર્વાહ માટે કંઈક
નાણું હતું. પણ ૧૦ રૂપિયા ખર્ચ થયા. એ સમયમાં આના દેવાનું ૧૦ રૂપિયા
જેટલું ખર્ચ થયું હશે ॥—

૬ આ કેસ માં મેં નિયત કરવાનું હતું. કુટુંબ પાસે નાણાં ન હતાં
તેથી આ ખર્ચ થયો. પણ ૧૦-૧૨ રૂપિયા જેટલું ખર્ચ થયું હશે ॥—

૭ આ કેસ માં મેં નિયત કરવાનું હતું. કુટુંબ સ્થિતિ સામાન્ય
હતી. પણ ૧૦-૧૨ રૂપિયા જેટલું ખર્ચ થયું હશે. આના દેવાનું
૧૦ રૂપિયા જેટલું ખર્ચ થયું હશે ॥—

૮ આ કેસ માં નિયત કરવાનું હતું. સાંભળી નિયત કરવાની
નાણાં ની મુશ્કેલી હતી. પણ ૧૦-૧૨ રૂપિયા જેટલું ખર્ચ થયું હશે ॥—

૯ આ કેસ માં નિયત કરવાનું હતું. સાંભળી નિયત કરવાની
નાણાં ની મુશ્કેલી હતી. પણ ૧૦-૧૨ રૂપિયા જેટલું ખર્ચ થયું હશે ॥—

૧૦ આ કેસ માં નિયત કરવાનું હતું. સાંભળી નિયત કરવાની
નાણાં ની મુશ્કેલી હતી. પણ ૧૦-૧૨ રૂપિયા જેટલું ખર્ચ થયું હશે ॥—

243/1914-16

Date of application for the copy.	Date of notifying the requisite number of folios and stamps.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.

THREE ANNAS

THOMAS DE LA RUE AND COMPANY LIMITED

243/1914-17

Date of application for the copy.	Date of notifying the requisite number of folios and stamps.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.

ಕಾರ್ಯ ಕೈಗೊಳ್ಳಲು ಮೂಲ ಅಂದಾಜು ಮೊತ್ತ ರೂ. ೪೯೯೯-೦೦ ಗಳಿಗೆ ಮಂಜೂರಾತಿ ನೀಡಿದ್ದು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಟೆಂಡರ್ ಕರೆದು ಕಾಮಗಾರಿ ಕೈಗೊಳ್ಳಲು ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗಿದೆ.

೨) ಸದರಿ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮೂಲ ಕಿಂಡಿ ಅಣೆಕಟ್ಟು ಕಾಮಗಾರಿಯನ್ನು ಕೈಗೊಳ್ಳಲು ಸದರಿ ಕಾಮಗಾರಿಗೆ ರೂ. ೧೧೧-೦೦ ಗಳಿಗೆ ಮಂಜೂರಾತಿ ನೀಡಿದ್ದು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಟೆಂಡರ್ ಕರೆದು ಕಾಮಗಾರಿ ಕೈಗೊಳ್ಳಲಾಗಿದೆ.

೩) ಸದರಿ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕಾಲುವೆ ಮತ್ತು ಕಿಂಡಿ ಅಣೆಕಟ್ಟು ಕಾಮಗಾರಿಯನ್ನು ಕೈಗೊಳ್ಳಲು ಸದರಿ ಕಾಮಗಾರಿಗೆ ರೂ. ೧೧೧-೦೦ ಗಳಿಗೆ ಮಂಜೂರಾತಿ ನೀಡಿದ್ದು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಟೆಂಡರ್ ಕರೆದು ಕಾಮಗಾರಿ ಕೈಗೊಳ್ಳಲಾಗಿದೆ.

೪) ಸದರಿ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮೂಲ ಅಂದಾಜು ಮೊತ್ತ ರೂ. ೧೯೯-೦೦ ಗಳಿಗೆ ಮಂಜೂರಾತಿ ನೀಡಿದ್ದು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಟೆಂಡರ್ ಕರೆದು ಕಾಮಗಾರಿ ಕೈಗೊಳ್ಳಲಾಗಿದೆ.

೫) ಸದರಿ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮೂಲ ಅಂದಾಜು ಮೊತ್ತ ರೂ. ೧೯೯-೦೦ ಗಳಿಗೆ ಮಂಜೂರಾತಿ ನೀಡಿದ್ದು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಟೆಂಡರ್ ಕರೆದು ಕಾಮಗಾರಿ ಕೈಗೊಳ್ಳಲಾಗಿದೆ.

೬) ಸದರಿ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮೂಲ ಅಂದಾಜು ಮೊತ್ತ ರೂ. ೧೯೯-೦೦ ಗಳಿಗೆ ಮಂಜೂರಾತಿ ನೀಡಿದ್ದು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಟೆಂಡರ್ ಕರೆದು ಕಾಮಗಾರಿ ಕೈಗೊಳ್ಳಲಾಗಿದೆ.

243/1914-19

Date of application for the copy.	Date of notifying the requisite number of folios and stamps.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.

INDIA

THREE ANNAS

THREE ANNAS

THOMAS DE LA RUE AND COMPANY LIMITED.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Date of application for the copy.	Date of notifying the requisite number of folios and stamps.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.

17

293/1919-21

[illegible]

[illegible]

[illegible]

[illegible]

sd AK Das Gupta sd/ G. Roy sd N. K. Dutt

sd Satyabati Das [illegible] 20-3-12

[illegible]

[illegible]

Date of application for the copy.	Date of notifying the requisite number of folios and stamps.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.

THREE ANNAS

THREE ANNAS

INDIA

THOMAS DE LA RUE AND COMPANY LIMITED

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

sd N. K. Dutt.

sd A K Das G. sd G. Ray. Subjudge

Copied by
Tajir Mahamad
Copyist

243/1914 - 22

Date of application for the copy.	Date of notifying the requisite number of folios and stamps.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.

Judgment in appeal from appellate

decree No. 243 of 1914.

~~From a decision of H. R. Pandit Esq. District Judge of Cuttack.~~

------- ~~dated the 6th September 1913.~~

Present :-

The Hon. The Chief Justice

The Hon. Mr. Justice Sharfuddin.

Brahmananda Mahanty-Appellant

Versus

Pandoo Das and others, Respondents.

B. Girish Ch. Pal for the Appellant.

B. Suresh Ch. Chakrabarty for the respondents.

This appeal arises out of a suit brought by the appellant for various reliefs in respect of properties formerly held by him in his personal capacity and also as sebait of three different idols in ~~there~~ three different villages. The first court went into the merits of the case at length and dismissed the suit. The defendants who are respondents here

243/1914-23

37

pleaded at a very early stage of the suit that it was bad for multifariousness. The Subordinate Judge brushed this plea aside with the remark that the suit was not bad for multifariousness . On appeal the District Judge said that it was useless to go into the details of the case or discuss the merits as in his opinion the suit must fail on account of multifariousness. He therefore dismissed the suit on that ground. In second appeal it is contended that the learned Judge was wrong in entertaining this plea in appeal at all, secondly that the suit is not bad for multifariousness, and thirdly that if the suit is open to this objection it has not been suggested, still less shown, that the trial of the suit has been in any way prejudiced by the alleged multifariousness. The case is certainly somewhat complicated. It has not been correctly stated in the

38

opening paragraph of the judgment of the learned Judge. The nature of the case appears from paragraph 13 of the plaint which contains the prayer for relief. In that paragraph the plaintiff prays that it may be declared that the debattar property specified in the schedule (Ka) was wrongly sold in execution of decrees obtained in suits Nos. 1533 and 2796 of 1906 which had been obtained by the collusion and fraudulent acts of the defendants; ~~further~~ and that the properties specified in schedules (Kha) and (Ga) were wrongly sold in execution of those decrees. ~~In~~ The second claim for relief was that it might be declared that defendant No. 3 was not the adopted son of plaintiff's father, but even if he was, the properties specified in schedules (Gha) and (Una) had been wrongly sold in execution of decrees obtained in suits 1388 and 1529 of 1907. Para-

graph 5 of the plaint shows that the plaintiff charges the defendants with having collusively and fraudulently obtained all four decrees mentioned above. The suggestion is that all was part and parcel of the same transaction and the same fraud. It is true that the plaintiff sues in no less than four different capacities, but property held by him personally and property alleged by him to be debattar and held by him as sebait of one or other of the idols were put up for sale together in execution of the same decrees. It is therefore difficult to see how the plaintiff could have avoided suing, as he has, both in his personal capacity and as alleged sebait of the idols. I am not satisfied that there was any real multifariousness in the case, but if there was, the Subordinate Judge ~~seems to have~~ had no difficulty in dealing with the case on the merits.

The defendants have not been prejudiced in any way by the form of the suit.

In my opinion the District Judge ought to have disposed of the case on the merits and not to have dismissed the suit on the ground of multifariousness. I would allow the appeal, set aside the decree of the District Judge, and remand the case to the lower appellate court to be restored to the pending file and disposed of according to law. I would direct that the costs of this appeal ~~should~~ be costs in the cause to abide the result.

Curtis

18th May 1916.

I agree C. Sankaran Nair

18/5/16.

293/1914-27

41

In the High Court of Judicature at Patna.

(APPELLATE CIVIL JURISDICTION.)

Appeal from Appellate Decree No. 243 **of 1914.**

Appeal preferred on the 2nd of January 1914, against the decree of H. R. Perrett Esq District Judge of Zillah Cuttack dated the 6th of September 1913, Confirming the decree of Babu Narendra Krishna Dutta Subordinate Judge of Cuttack dated the 9th of March 1912

Brahmananda Mahanty for self and as shebait of the idol Madan Mohanjew and of the idol Paramhansanath Mahadev and Jatheswar Mahadev

Plaintiff

Appellant,

versus

1 Panu Das, 2 Radha Das, 3 Ganeswar Mahanty,

Defendants

Respondents.

243/1914-28

Appeal valued, for purposes of jurisdiction, at Rupees 21.00 — 0 — 0

Ditto. for purposes of Court-fee, at Rupees 8 00 — 0 — 0

Upon ~~the hearing of~~ coming on this Appeal in a Division Bench before

The Hon'ble Sir Edward Maynard des Champs Chamier Kt, the Chief Justice

and

The Hon'ble Mr. Justice S. Sadasivaiyer

One of the Judges of this Court,

on the ~~[illegible]~~ day of May 1916.

IT IS ORDERED and DECREED that this appeal be and the same is hereby allowed and ~~set aside~~ not the decree of the Lower Appellate Court is reversed that Court. to set aside and ~~remand~~ remit the case ~~to the Lower Appellate Court~~ to be restored to the pending file and disposed of according to law. and ~~it is further ordered~~ do that the costs of this appeal be costs in the cause to abide the result.

And

And it is further ORDERED and DECREED that the

do pay to the (as per details at foot),

being the amount of costs incurred by in this Court with interest thereon at the rate of six per cent. per annum, from this date until realization: And it is further ORDERED and DECREED that the

do pay to the

the costs incurred by in the Lower Court, with interest thereon at the rate aforesaid from the date of the decree of the said Lower Court until realization.

Dated this 18th day of May in the year of Our Lord One Thousand Nine Hundred and sixteen.

	Rs.	a.	p.			
Drawing grounds of appeal	8					
Hearing fee	32	0	0	32	0	0
Mookhtear's fee	0	0	0			
Court-fee for Memo. of appeal... ...	60	0	0	0	0	0
" for Vakalutnama	2	0	0	2	0	0
" for Mookhtearnama	0			0	0	0
" for Tullubana	3			0	0	0
" for copy of decree				4	0	0
Costs of preparation of Paper-Book ..	7	8		7	8	
" of former hearing						
TOTAL ...	112	8	0	45	8	0

P. L. P.—No. 4—D. (F) 400—17-1-16.

243/1914-29