

the High Court of Judicature at Fort William in Bengal.

(Civil Appellate Side.)

Judgment 1-4
PC File 1-12
Paper Books - 3 copies.

TITLE PAGE.

PART I.



(This file must be preserved for ever.)

APPEAL FROM App Dec. No. 884 OF 18 1089

Jagabanshu Sahu Appellant,

versus

Moshu Surin Boral and others Respondents

DATE OF DECISION OF HIGH COURT 3/12/70

DITTO OF PRIVY COUNCIL _____

3/12/70
SG 11-518-858 HCN-12-3-20.

884/1889-01

In the High Court of Judicature at Patna.

TABLE OF CONTENTS.

S. Appeal No 884 of 1909
Jagabandhu Salun

Appellant,

versus
Mahmadsan Boral & others

Respondents.

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	Finding of the Lower Court upon remand	
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2	Decree of the High Court	2-3
3	Memorandum of Appeal... ..	4-8
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	Cross-objection	
	Award of arbitrators or Petitions of Compromise and Court's permission thereto	
5	Paper books	14-15

Signature of Officer of Court.

Compared and found correct.

Date _____

884/1909-02

Record-keeper

Present:

The Honble Mr. Justice Louis

The Honble Mr. Justice Kersey

app. app. decree
to 884 of 1899

Ms. Rajendra Nath Datta
for appell.

Ms. Boide Nath Datta
for respell.

The 3rd December 1890

The appellants

Dismissed with

costs.

John F. Wain

H. Kersey

off. aff. d. m.
v. 804 11579

3.12
80/- h²

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

(APPELLATE CIVIL JURISDICTION.)

APPEAL FROM APPELLATE DECREE NO. 884 OF 1889.

Appeal preferred on the 16th of May 1889, against the decree of F. Taylor, Esq., officiating District Judge of Zillah - Cuttack - , dated the 30th of January 1889, affirming - the decree of Baboo Gopal Chunder Banerjee, Moonsiff of Jajpore - , dated the 8th of December - 1887.

IV Jagobandh Sahas,

Plaintiff, Appellant

VERSUS

1) Fakir Churn Mahanti alias Krishna Prakash Mahanti, who appeared, and Modhoo Soodun Boral alias Modhoo Soodun Mandhaty, minor, by his mother and guardian Champa Daye (2) Nittanind Boral, (3) Debadhi Boral, (4) Joy Boral & Jagobandh Boral, the latter two are minors, by their mother and guardian Rakhai Daye, (5) Sojanand Mahanti, (6) Poromanind Mahanti, (7) Dam Pooristee (8) Rukunur Pooristee, (9) Bungal Pooristee, (10) Borjo Mahanti, (11) Narain Patter, (12) Baysrajes Mahanti, (13) Shunker Mahanti, (14) Nimsaye Churn Mahanti, (15) Dhinn Mahanti, (16) Kishore Mahanti, (17) Bungsbi Dhar Boral, (18) Sahony Boral, (19) Dwijit Boral, (20) Norattun Sahas, (21) Dindho Sahas, (22) Rajah Kiran Krishna Chunder Dhar vandre Bahadur, who did not appear in this appeal

Defendants, Respondents

*IV

Q. Bhandu Sahas is dead and his representatives have not been brought in the record.

10.12.90

P. S. Chatterjee
1st Secy. Clerk

884/1889-05

Appeal valued, ~~for purposes of jurisdiction~~, at Rupees 130 - 7 - 2 - 5

~~Ditto, for purposes of Court-fee, at Rupees~~

Upon the hearing of this Appeal in a Division Court before

The Hon'ble *John Freeman Norris* and

The Hon'ble *Henry Beverley* two of the

Judges of this Court

on the *third* day of *December* 1890.

IT IS ORDERED and DECREED that

this appeal be and the same is hereby dismissed.

And

AND IT IS FURTHER ORDERED AND DECREED that the *plaintiff, appellant,*
do pay to the defendant, respondent, who ap-
peared in this appeal, the sum of twenty seven
rupees four annas four pie

(as per details at foot),

being the amount of costs incurred by *him* in this Court,

with interest thereon at the rate of 6 per cent. per annum, from this date until realization.

Dated this 3rd day of *December* in the year of our Lord one thousand eight hundred and ninety.

	R	a.	p.
Drawing grounds of Appeal	"	"	"
Hearing fee On account of Vakild	16	"	"
Hearing fee On account of Mookhtear	"	"	"
Court-fee for Memo. of Appeal	"	"	"
" for Vakaltnama	2	"	"
" for Mookhtearnama	"	"	"
" for Tullabana	"	"	"
" for copy of decree	4	"	"
Cost of translation, &c.	5	4	4
" of former hearing	"	"	"
TOTAL	27	4	4

James F. Wain

H. Rowley

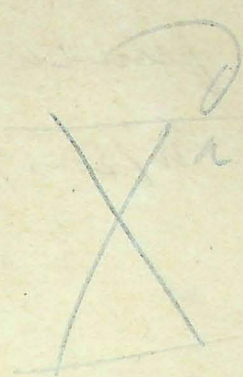
[Signature]

6. 12/12

Off. of the Decree
L. 884 of 1907

12/12/1907

1909
12/12/1907



8/1

4/5

1909 + Decree
500

3.12
50/-

884

4

2



INDIA COURT FEE



Rs 10/-

Jogobundhu Sahoo Plaintiff

Through

Attendant
Jyendunath Das

W. G. S. S. S.

806
18/5/89

16.5.89

6/1/88
18/5/89
1788

176

In the High Court of Judicature at Fort William
in Bengal Civil Appellate Jurisdiction

Memorandum of appeal from appellate
decree

Jogobundhu Sahoo son of Kiranig Sahoo
deceased, Shant of Idal Sri Posh Behary

INDIA COURT FEE



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Jogohundhu Sahoo Plaintiff
Appellant
Through
Jyendun Bhow
Vocal

In the High Court of Judicature at Fort William
in Bengal Civil Appellate Jurisdiction

Memorandum of appeal from appellate
decree

Jogohundhu Sahoo son of Narsing Sahoo
deceased, Sheriff of Idol Sri Rosh Behary
Thakur of Murrypore Pergunah also Plaintiff
Versus

(1) Modhurindun Bosh alias Medhossundun
Mondhota

১৮৮৭/১৮৬৭-০৭

2808

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Handwritten text on the left side, possibly a date or reference.

Handwritten text on the left side, possibly a name or address.

Handwritten text on the right side, possibly a signature or name.

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Handwritten text with horizontal lines, possibly a list or table.

Handwritten text below the list-like structure.

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Mandhata minor adopted son of Gaurang
Churn Mahanta deceased, represented by his
mother and guardian Champa Daye ~

Principals

Dangpurand
Komal Lalaya
10.12.90

- (1) Nitramundo Borol son of Prish Behary
Borol deceased (2) Dehadhi Borol (3) Jay
Borol and (4) Jogobundhu Borol minor
sons of. Putnathur Borol deceased, represented
by their mother and guardian. Radhica Daye
- (5) Kodamundo Mahante son of Nidhee
mahante deceased, (6) Poromamundo Mahante
son of Sumashi Mahanti deceased, (7) Pasurite
son of Goknida Pasurite deceased (8) Putnathur
Pasurite son of. Komul lochun Pasurite deceased
- (9) Dinaye Pasurite son of Varani Pasurite
deceased (10) Boyage Mahante son of Russick
mahante deceased (11) Narani Patter son
of Shwery Pater (12) Boyage Mahante
son of Bainsdur Mahanti deceased, (13)
- Shun Ker Mahanti son of Buidhos Mahant
deceased (14) Miniyage Churn Mahanti
son of Barromally Mahanti deceased
- (15) Bhuni Mahanti son of Sumite
Mahanti deceased (16) Keshore Mahante
son of Pussorah Mahante deceased (17)

Dangpurand
Komal Lalaya
10.12.90

- Bungochellur Boral. son of Nossun Boral deceased, (19)
- Sapung Boral. son of Sosthich Boral deceased, (20)
- Bwijas Boral. son of Bmudalun Noduna. Singh deceased, (21)
- Patni Chand mahanti. alias Kusta Prasad mahanti. son of Bhagant mahanti in- habitants of Shivipone Pergamah Alach (22)
- Norattun Sahas son of Nuisd Sahas deceased. (23)
- Bundhu Sahas (Father's name unknown) inhabitant of Gopurath pone Pergamah Alach. (24)
- Rajah Birluwa Kusta Chunder. Shri Narendra Bahadur. son of Rajah Birluwa Ram chunder Shri Narendra Bahadur. deceased, inhabitant of Moham Killoh & Mudhupone, present resident of Marung- pone catchery Pergamah Alach-Proprietor

Defendants

Appeal valued at Rs 130/7/2/5

The abovesaid plaintiff begs to prefer the appeal to this Honorable court against the decree and decision of the Judge of the Court at Cuttack bearing date the 13th of February

13/2

47

1889. Confirming those of the moansiff of
Gajpore dated the 3^d. December 1887. in which
the aforesaid dependants Respondents are the
following: -

- Grounds.
1. For that the courts below have entirely
misplaced the onus of proof in this case.
The Kholah having been admitted and
the suit upon the Kholah not being
barred by the limitation the defendant
was bound to shew by clear evidence
that there was no consideration for the
Kholah.
 2. For that the lower appellate court
has not sufficiently considered the ad-
missions of the defendant's predecessors
and of the defendant Nittawanda and
as 2 of the persons, who made those ad-
-missions are dead the Lower appellate
court ought to have held that it was
not open to their heirs or successors
to question the correctness of such
admissions.
 3. For that the decision of the lower
appellate court is based on mere conjecture
and not on the positive evidence in
the



Handwritten text in a South Indian script, likely Grantha or Tamil, covering the main body of the page. The text is organized into several lines, with some words underlined. There are some markings above the first line, possibly indicating a date or reference number.

Vertical handwritten notes on the left margin, including the word 'Sukra' and other characters.

850/1889-12



Date of application for the copy.

Date of delivery of the requisite stamped sheets.

Date on which the copy was ready for delivery.

Date of making over the copy to the applicant.

1891

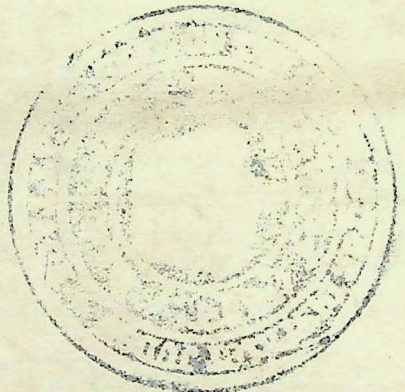
1891

1891

1891

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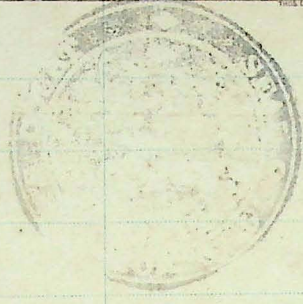
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Returned to the applet
S. Halliwell
D. Haines
2/5/89



Sum
87



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...	00	40
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...	00	00
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Handwritten text in a South Indian script, likely Grantha or Tamil, arranged in several lines. The text is somewhat faded and difficult to decipher.

Handwritten text in a South Indian script, possibly a title or a specific reference.

Handwritten signatures or initials on the left side of the page.

of Kanchi
of Kanchi
of Kanchi
of Kanchi
of Kanchi

of Kanchi

12-12-87

certified to be a true copy

authentic under Sec 75 of the Act of 1872

Compared by
Kanchi
Inspector

See back
auth

66/50
62/91

Date of application for the copy.	Date of delivery of the requisite stamped sheets.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.

Handwritten text in Devanagari script, likely a list of names or titles, including:
श्री १०८ श्री गणेशाय नमः
श्री १०८ श्री गणेशाय नमः
श्री १०८ श्री गणेशाय नमः
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श्री १०८ श्री गणेशाय नमः

Handwritten signature or name in Devanagari script.



Handwritten text below the stamp, possibly a date or location.



മിന്നൽ വെളിച്ചം ഉണ്ടാകുന്നതിനായി കിഴക്കും തെക്കും വശങ്ങളിൽ മിന്നൽ വെളിച്ചം ഉണ്ടാകുന്നതിനായി
കൃത്യമായിട്ടുള്ള അളവുകൾ കണ്ടെത്തുന്നതിനായി കൃത്യമായിട്ടുള്ള കമ്പോളം ഉണ്ടാക്കിയിട്ടുള്ളതായി
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കൃത്യമായിട്ടുള്ളതായി.

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Ref. Ramlyati Gupta
for Report.

Ref. J. Taylor
offg. J. Judge
13.2.89.

Ref. Mury Charan Banerjee
for appll.

Compared by
Kithanandhan
empire

Handwritten signature.

Certified to be a true copy.
2-5-89
Sheristadar, Judge's Court, Ootlack.
Authorized under Section 76, Act 1 of 1972.

2/8/19
4400 2/10/19

6/1/19

Date of application for the copy.	Date of delivery of the requisite stamped sheets.	Date on which the copy was ready for delivery	Date of making over the copy to the applicant.



BURDWAN GROUP
No. 176.

APPEAL FROM APPELLATE DECREE,
No. 884 of 1889.

(CUTTACK.)

JUGOBUNDHU SAHU, . . . Plaintiff, Appellant,
versus

MODHU SUDUN BORAL, alias
MODHU SUDUN MANDHATA,
MINOR, REPRESENTED BY HIS
MOTHER AND GUARDIAN
CHUMPA DEI, AND OTHERS, } Defendants, Respondents.

Vakeel for Appellant—Babu Rajendro Nath Bose.
Vakeel for Respondents—Babu Boido Nath Dut.

Date of institution of suit—18th April 1887.
Date of Appeal in the Lower Appellate Court—16th Jan. '88.
Date on which the Second Appeal was filed—16th May 1889.
Date on which the notice was sent out—
Date of service of notice—
Date of receipt of record from the Lower Court—17th June '89.
Date on which translation was sent to Press—29th Aug. 1889.
Date of receipt of Paper-book from Press, i.e.,
on which the Appeal was ready for hearing— } 18 8 9
Date on which the Appeal was heard—

I.—Plaint, filed on the 18th April 1887.

IN THE COURT OF THE MUNSIF OF JAJPUR.

SUIT No. 783 OF 1887.

Jugobundhu Sahu, son of Nursing Sahu, deceased, a Teli by
caste, zemindar, &c., by profession, *sebit* to the deity
Rash Behari Thakur, inhabitant of Horipur, Purgana
Olas, Plaintiff,

versus

No. 1, Nityanund Boral, son of Rash Behari Boral, deceased,

NOTE.—This appeal is similar to Appeal from Appellate Decree No. 883 of 1889.
For judgments of the Lower Courts and Grounds of Appeal, see paper-book in that
case.

COPY FOR BENCH CLERK

a Khandayet by caste, No. 2, Faquir Churn Mahanti, *alias* Kristo Prasad Mahanti, son of Bhagbat Mhsanti, living, a Patra by caste, zemindar, &c., by profession, inhabitants of Horipur, Purgana Olas,

Principal Defendants;

No. 3, Debadhi Boral, No. 4, Jai Boral, and No. 5, Jugobundhu Boral, minor sons of the late Ratnakur Boral, No. 6, Modhu Sudun Boral, *alias* Modhu Sudun Mandhata, minor, adopted son of Gourango Churn Mandhata, deceased, Khandayets by caste, No. 7, Sodanund Mahanti, son of Nidhi Mahanti, deceased, No. 8, Purmanund Mahanti, son of Sunnyasi Mahanti, deceased, No. 9, Dam Prusti, son of Gobind Prusti, deceased, No. 10, Ratnakur Prusti, son of Komul Lochun Prusti, deceased, No. 11, Dinai Prusti, son of Naran Prusti, deceased, No. 12, Barju Mahanti, son of Rusik Mahanti, deceased, No. 13, Naran Patter, son of Hori Patter, deceased, No. 14, Bairagi Mahanti, son of Dam Mahanti, deceased, No. 15, Sunkur Mahanti, son of Bandhu Mahanti deceased, No. 16, Nimai Mahanti, son of Bonomali Mahanti, deceased, No. 17, Bhim Mahanti, son of Anunt Mahanti, deceased, No. 18, Kishori Mahanti, son of Russik Mahanti, deceased, Patras by caste, No. 19, Bungsidhur Boral, son of Kissen Boral, deceased, No. 20, Sapani Boral, son of Sri Sukdeb Boral, living, No. 21, Barju Boral, son of Brindabun Kodma Singh, deceased, Khandayets by caste, inhabitants of Horipur, Purgana Olas; No. 22, Norrottum Sahu, son of Kinu Sahu, deceased, No. 23, Bandhu Sahu, son of (name unknown), Patras by caste, zemindars, &c., by profession, inhabitants of Patna Gopinathpur, Purgana Barua; No. 24, Raja Birbar Kristo Chunder Dhir Narendra Bahadur, son of Raja Birbar Ram Chunder Dhir Narendra Bahadur, deceased, a Khetri by caste, a Raja, residing at Killah Modhupur, at present at Narasingpur Cutcheri, Purgana Olas, co-sharers, . . . *Pro formâ Defendants.*

Note.—Of these defendants, defendants Nos. 3, 4 and 5, being minors, they are represented by their mother and guardian Radhika Dei, and defendant No. 6, being a minor, is represented by his mother and guardian Chumpa Dei.

1. Similar to paragraph 1 of the plaint in case No. 888 of 1889.

2. The defendants Nos. 1, 3, 4, 5, 6 and 21 and their co-sharers are according to the genealogical table given below descended from the same family.

3. Of the zemindari under claim, a 4 annas share belonged to defendant No. 1, a 2 annas 13 gundas 1 cowri-1 krant share to Ratnakur Boral, father of defendants Nos. 3, 4 and 5, a 4 annas share to Gourango Churn Mandhata, deceased, father of the defendant No. 6, a 2 annas-13 gundas-1 cowri-1 krant share to the defendant No. 21, a 2 annas-13 gundas-1 cowri-1 krant share to Dattahari Kodma Singh mentioned in the genealogical table, and they were held by them as *mourusi* shares.

4. Anna 1-15 gundas out of the share owned and held by defendant No. 1, 1 anna share out of that owned and held by Ratnakur Boral, father of defendants Nos. 3, 4 and 5, 1 anna-15 gundas out of the share owned and held by Gourango Churn Mandhata, father of the minor defendant No. 6, total 4 annas-10 gundas share of the zemindari in suit, were sold to the plaintiff as *sebait* to the plaintiff's family god Rash Behari Thakur under a registered *kobala*, dated the 17th April 1875, for a consideration of Rs. 2,250, and on receiving from him the whole amount of consideration, he was put in possession of the property sold by them.

5. The defendant No. 1 having sold his 1 anna-15 gundas share of zemindari in dispute along with defendants Nos. 3, 4, 5 and 6 to the plaintiff, has no right to or interest in the said share of the zemindari. Notwithstanding this, he and the other vendors induced my agent Brinda Prusti by persuasions, and, in collusion with him, secured without my knowledge my *kobala* of purchase which was with him, of the 4 annas-10 gundas share of the zemindari in suit including the disputed property, and on the strength thereof, the plaintiff's vendors aforementioned set up one Pravakar Mandhata of Purgana Jajpur as their patron, and through him had a suit instituted, and another suit separately instituted afterwards through his distant kinsman Chaitan Boral, in respect of the property purchased by the plaintiff. But those suits were decided in favor of the plaintiff, and consequently his vendors could not obtain any relief thereby. Thereupon, on the 10th Margsir 1289, corresponding to the the 23rd November 1881, defendant No. 1 forbade the tenants of the disputed share of the zemindari to pay rents to the plaintiff, and thus dispossessed him. He then sold out of the said disputed 1 anna-15 gundas share a 15 gundas share and a 5 gundas share out of the share left to him, total 1 anna share of the zemindari, to defendant No. 2, and accordingly the said defendant No. 2 is in possession of that share.

6. The plaintiff, therefore, prays that the Court may be pleased to declare his right by purchase and possession to the property under claim, and to pass a decree against the principal defendants, awarding him joint possession thereof and costs of Court with interest, or granting any other relief the Court may deem proper to grant.

7. The cause of action accrued on the date of dispossession.

Genealogical Table is substantially similar to that in the main case.

The 18th April 1887.

I, plaintiff, Jugobundhu Sahu, while present at the vakeel's chamber attached to the Jajpur Munsiff's Court, this the 18th day of April 1887, do hereby solemnly declare that what has been stated in this plaint is true to my knowledge.

JUGOBUNDHU SAHU.

II.—*Written Statement of Nityanund Boral, defendant No. 1, and Modhu Sudun Boral, minor defendant No. 6, represented by his mother and guardian Chum-pa Dei, filed on the 16th July 1887.*

SUIT No. 783 OF 1887.

Jugobundhu Sahu, Plaintiff,
versus
 Nityanund Boral and others, Defendants.

Title suit laid at—

It is substantially similar to the written statement of the abovenamed defendants, case No. 883 of 1889.

III.—*Written Statement of Faquir Churn Mahanti, defendant No. 2, filed on the 16th July 1887.*

SUIT No. 783 OF 1887.

Jugobundhu Sahu, Plaintiff,
versus
 Faquir Churn Mahanti and others, Defendants.

Title suit laid at—

It is substantially similar to the written statement of this defendant, case No. 883 of 1889, except paragraph 2, which is substantially similar to paragraph 2 of the written statement of Barju and others in this case.

IV.—*Written Statement of Barju Mahanti, Bairagi Mahanti, Sunkur Mahanti, Dam Prusti and Naran Patter, defendants Nos. 12, 14, 15, 9 and 13, filed on the 16th July 1887.*

SUIT No. 783 OF 1887.

Jugobundhu Sahu, Plaintiff,
versus
 Modhu Sudun Boral and others, Defendants.

Title suit laid at—

It is substantially similar to the written statement of Barju and others, case No. 883 of 1889.

V.—*Written Statement of Raja Birbar Kristo Chunder Dhir Narendra Bahadur, defendant No. 2A, filed on the 16th July 1887.*

SUIT No. 783 OF 1887.

Jugobundhu Sahu, Plaintiff,
versus
 Nityanund Boral and others, Defendants.

Title suit laid at Rs. 130-7-7.

It is substantially similar to the written statement of this defendants, case No. 883 of 1889.

Pleadings translated by—Marfadul Huq, Extra Tr.

Proofs compared by—J. Ainslie.

APPEAL FROM APPELLATE DECREE No. 8811 OF 1889.

Jungabandhu Sahu,
versus

APPELLANT

Modhu Sudan Boral, & others.

RESPONDENTS.

Memorandum of Receipts and Charges in this Appeal.

(Rules relating to Special Appeals, dated 1st July 1877)

DATE.	RECEIPTS	R.	a.	p.	CHARGES.	R.	a.	p.
	DEPOSITED BY --				Estimating 3044 words, at 10,000 words per Rupee			4 11
	Appellant	7	5					
29/1/89	Respondent	7	8		Translating 717 words, at 200 words per Rupee (including charge for paper)			3 10 7
					Copying 2360 words, at 1,440 words per Rupee			1 9 11
					Examining Manuscripts, words, at 2,880 words per Rupee			
					Examining proofs, 1104 words, at 1,125 words per Rupee			1 4 0
					Printing (actual charge)			4 11 3
	To be recovered from Appellant under Rule 4, within two weeks from this date.				To be } to Appellant			2 3 8
					refund- } ,, Respondent			2 3 8
	TOTAL	15			TOTAL			10 0 0

HIGH COURT, &c.,

The 20th March 1890.

W. H. B. B. B. B.
 Deputy Registrar.

20.
Prabhu Rajendra Nath Bose,
Wakil for the Appellant.
Prabhu Baidyanath Dutt,
Wakil for the Respondents.

28 0
 23 8
 54 4 2
 78 0

Kerr's Weekly
Dismissed
3.12.90.
15

BURDWAN GROUP

No. 176.

APPEAL FROM APPELLATE DECREE,

No. 884 of 1889.

(CUTTACK.)

JUGOBUNDHU SAHU, . . . Plaintiff, Appellant,

versus

MODHU SUDUN BORAL, alias
MODHU SUDUN MANDHATA,
MINOR, REPRESENTED BY HIS
MOTHER AND GUARDIAN
CHUMPA DEI, AND OTHERS, } Defendants, Respondents.

Vakeel for Appellant—Babu Rajendro Nath Bose.

Vakeel for Respondents—Babu Boido Nath Dut.

Date of institution of suit—18th April 1887.

Date of Appeal in the Lower Appellate Court—16th Jan. '88.

Date on which the Second Appeal was filed—16th May 1889.

Date on which the notice was sent out—

Date of service of notice—

Date of receipt of record from the Lower Court—17th June '89.

Date on which translation was sent to Press—29th Aug. 1889.

Date of receipt of Paper-book from Press, i.e.,
on which the Appeal was ready for hearing— } 18.3.90

Date on which the Appeal was heard—

I.—Plaint, filed on the 18th April 1887.

IN THE COURT OF THE MUNSIF OF JAJPUR.

SUIT No. 783 OF 1887.

Jugobundhu Sahu, son of Nursing Sahu, deceased, a Teli by
caste, zemindar, &c., by profession, *sebit* to the deity
Rash Behari Thakur, inhabitant of Horipur, Purgana
Olas, Plaintiff,

versus

No. 1, Nityanund Boral, son of Rash Behari Boral, deceased,

NOTE.—This appeal is similar to Appeal from Appellate Decree No. 883 of 1889.
For judgments of the Lower Courts and Grounds of Appeal, see paper-book in that
case.

a Khandayet by caste, No. 2, Faquir Churn Mahanti, *alias* Kristo Prosad Mahanti, son of Bhagbat Mhaanti, living, a Patra by caste, zemindar, &c., by profession, inhabitants of Horipur, Purgana Olas,

Principal Defendants ;

No. 3, Debadhi Boral, No. 4, Jai Boral, and No. 5, Jugobundhu Boral, minor sons of the late Ratnakur Boral, No. 6, Modhu Sudun Boral, *alias* Modhu Sudun Mandhata, minor, adopted son of Gourango Churn Mandhata, deceased, Khandayets by caste, No. 7, Sodarund Mahanti, son of Nidhi Mahanti, deceased, No. 8, Purmanund Mahanti, son of Sunnyasi Mahanti, deceased, No. 9, Dam Prusti, son of Gobind Prusti, deceased, No. 10, Ratnakur Prusti, son of Komul Lochun Prusti, deceased, No. 11, Dinai Prusti, son of Naran Prusti, deceased, No. 12, Barju Mahanti, son of Rusik Mahanti, deceased, No. 13, Naran Patter, son of Hori Patter, deceased, No. 14, Bairagi Mahanti, son of Dam Mahanti, deceased, No. 15, Sunkur Mahanti, son of Bandhu Mahanti deceased, No. 16, Nimai Mahanti, son of Bonomali Mahanti, deceased, No. 17, Bhim Mahanti, son of Anunt Mahanti, deceased, No. 18, Kishori Mahanti, son of Russik Mahanti, deceased, Patras by caste, No. 19, Bungsidhur Boral, son of Kissen Boral, deceased, No. 20, Sapani Boral, son of Sri Sukdeb Boral, living, No. 21, Barju Boral, son of Brindabun Kodma Singh, deceased, Khandayets by caste, inhabitants of Horipur, Purgana Olas ; No. 22, Norrottum Sahu, son of Kinu Sahu, deceased, No. 23, Bandhu Sahu, son of (name unknown), Patras by caste, zemindars, &c., by profession, inhabitants of Patna Gopinathpur, Purgana Barua ; No. 24, Raja Birbar Kristo Chunder Dhir Narendra Bahadur, son of Raja Birbar Ram Chunder Dhir Narendra Bahadur, deceased, a Khetri by caste, a Raja, residing at Killah Modhupur, at present at Narasingpur Catcheri, Purgana Olas, co-sharers, . . . *Pro forma Defendants.*

Note.—Of these defendants, defendants Nos. 3, 4 and 5, being minors, they are represented by their mother and guardian Radhika Dei, and defendant No. 6, being a minor, is represented by his mother and guardian Chumpa Dei.

1. Similar to paragraph 1 of the plaint in case No. 383 of 1889.

2. The defendants Nos. 1, 3, 4, 5, 6 and 21 and their co-sharers are according to the genealogical table given below descended from the same family.

3. Of the zemindari under claim, a 4 annas share belonged to defendant No. 1, a 2 annas 13 gundas 1 cowri-1 krant share to Ratnakur Boral, father of defendants Nos. 3, 4 and 5, a 4 annas share to Gourango Churn Mandhata, deceased, father of the defendant No. 6, a 2 annas-13 gundas-1 cowri-1 krant share to the defendant No. 21, a 2 annas-13 gundas-1 cowri-1 krant share to Dattahari Kodma Singh mentioned in the genealogical table, and they were held by them as *mourusi* shares.

4. Anna 1-15 gundas out of the share owned and held by defendant No. 1, 1 anna share out of that owned and held by Ratnakur Boral, father of defendants Nos. 3, 4 and 5, 1 anna-15 gundas out of the share owned and held by Gourango Churn Mandhata, father of the minor defendant No. 6, total 4 annas-10 gundas share of the zemindari in suit, were sold to the plaintiff as *sebait* to the plaintiff's family god Rash Behari Thakur under a registered *kobala*, dated the 17th April 1875, for a consideration of Rs. 2,250, and on receiving from him the whole amount of consideration, he was put in possession of the property sold by them.

5. The defendant No. 1 having sold his 1 anna-15 gundas share of zemindari in dispute along with defendants Nos. 3, 4, 5 and 6 to the plaintiff, has no right to or interest in the said share of the zemindari. Notwithstanding this, he and the other vendors induced my agent Briunda Prusti by persuasions, and, in collusion with him, secured without my knowledge my *kobala* of purchase which was with him, of the 4 annas-10 gundas share of the zemindari in suit including the disputed property, and on the strength thereof, the plaintiff's vendors aforementioned set up one Pravakar Mandhata of Purgana Jajpur as their patron, and through him had a suit instituted, and another suit separately instituted afterwards through his distant kinsman Chaitan Boral, in respect of the property purchased by the plaintiff. But those suits were decided in favor of the plaintiff, and consequently his vendors could not obtain any relief thereby. Thereupon, on the 10th Margsir 1289, corresponding to the the 23rd November 1881, defendant No. 1 forbade the tenants of the disputed share of the zemindari to pay rents to the plaintiff, and thus dispossessed him. He then sold out of the said disputed 1 anna-15 gundas share a 15 gundas share and a 5 gundas share out of the share left to him, total 1 anna share of the zemindari, to defendant No. 2, and accordingly the said defendant No. 2 is in possession of that share.

6. The plaintiff, therefore, prays that the Court may be pleased to declare his right by purchase and possession to the property under claim, and to pass a decree against the principal defendants, awarding him joint possession thereof and costs of Court with interest, or granting any other relief the Court may deem proper to grant.

7. The cause of action accrued on the date of dispossession.

Genealogical Table is substantially similar to that in the main case.

The 18th April 1887.

I, plaintiff, Jugobundhu Sahu, while present at the vakeel's chamber attached to the Jajpur Munsiff's Court, this the 18th day of April 1887, do hereby solemnly declare that what has been stated in this plaint is true to my knowledge.

JUGOBUNDHU SAHU.

II.—*Written Statement of Nityanund Boral, defendant No. 1, and Modhu Sudun Boral, minor defendant No. 6, represented by his mother and guardian Chum-pa Dei, filed on the 16th July 1887.*

SUIT No. 783 OF 1887.

Jugobundhu Sahu, Plaintiff,
versus
 Nityanund Boral and others, Defendants.

Title suit laid at—

It is substantially similar to the written statement of the abovenamed defendants, case No. 883 of 1889.

III.—*Written Statement of Faquir Churn Mahanti, defendant No. 2, filed on the 16th July 1887.*

SUIT No. 783 OF 1887.

Jugobundhu Sahu, Plaintiff,
versus
 Faquir Churn Mahanti and others, Defendants.

Title suit laid at—

It is substantially similar to the written statement of this defendant, case No. 883 of 1889, except paragraph 2, which is substantially similar to paragraph 2 of the written statement of Barju and others in this case.

IV.—*Written Statement of Barju Mahanti, Bairagi Mahanti, Sunkur Mahanti, Dam Prusti and Naran Patter, defendants Nos. 12, 14, 15, 9 and 13, filed on the 16th July 1887.*

SUIT No. 783 OF 1887.

Jugobundhu Sahu, Plaintiff,
versus
 Modhu Sudun Boral and others, Defendants.

Title suit laid at—

It is substantially similar to the written statement of Barju and others, case No. 883 of 1889.

V.—*Written Statement of Raja Birbar Kristo Ghunder Dhir Narendra Bahadur, defendant No. 24, filed on the 16th July 1887.*

SUIT No. 783 OF 1887.

Jugobundhu Sahu, Plaintiff,
versus
 Nityanund Boral and others, Defendants.

Title suit laid at Rs. 130-7-7.

It is substantially similar to the written statement of this defendants, case No. 883 of 1889.

Pleadings translated by—Marfadul Huq, Extra Tr.

Proofs compared by—J. Ainslie.