

**(1911) 11 CAL CK 0001**

**Calcutta High Court**

**Case No:** None

Dukhimoni Dasi

APPELLANT

Vs

Tulsi Charan

RESPONDENT

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**Date of Decision:** Nov. 24, 1911

**Acts Referred:**

- Evidence Act, 1872 - Section 116

**Citation:** 13 Ind. Cas. 512

**Hon'ble Judges:** Lawrence Jenkins, C.J; N. Chatterjea, J

**Bench:** Division Bench

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### **Judgement**

Lawrence Jenkins, C.J.

Having regard to Section 116 of the Evidence Act the defendant cannot be permitted to deny that the plaintiff had a title to the possession of the land at a time when the license was given to enter into possession. In the circumstances a suit for use and occupation would lie. There is no question as to the amount due on that basis; it is Rs. 40 and there will be a decree for that amount with costs. The plaintiff will have the costs of the Rule which is made absolute. We assess the hearing fee at one gold mohur.