

(1922) 03 CAL CK 0031

Calcutta High Court

Case No: S.A. No. 296 of 1920

Shiam Lal Saha and others

APPELLANT

Vs

Mt. Fulia and another

RESPONDENT

Date of Decision: March 10, 1922

Final Decision: Dismissed

Judgement

1. This appeal arises out of a suit for recovery of khas possession. The land in dispute is found to be the joint property of the pro forma defendant Gangahari Saha and the two principal defendants. Gangahari Saha is found to have been in exclusive possession of this land till his lessee the plaintiff was dispossessed by the defendants. It is also found that Gangahari Saha and the principal defendants were each in possession of some property exclusively for convenience. On these findings we hold that the plaintiff was entitled to the decree which he has obtained. We may refer to the case of Jaganath Prasad v. Bodri Prasad (1912) 34 All. 113 which followed the decision of this Court in Kumudini Mozam v. Rasik Lal Mazumdar (1907) 11 C.W.N. 517.

2. The appeal fails and is dismissed with costs.