

(1868) 07 CAL CK 0021

Calcutta High Court

Case No: Special Appeal No. 287 of 1868

Guru Das Dhar

APPELLANT

Vs

Bijaya Gobinda Baral

RESPONDENT

Date of Decision: July 16, 1868

Final Decision: Dismissed

Judgement

L.S. Jackson, J.

We think that the decision of the Lower Appellate Court, in this case, is quite correct. A co-sharer in landed property has no right to do any thing which alters the condition of the joint property without the consent of his co-sharers. If he thinks his interest in the property might be improved by works of a particular character, he can effect a partition and improve his particular share. It seems, in this case, the plaintiff interposed when the defendant commenced the infringement of his (plaintiff's) rights. The suit was reasonable, and the Judge was quite right to order the removal of the materials of the building and the building itself, as far as it had gone. The special appeal is dismissed with costs.