

(1880) 04 CAL CK 0014

Calcutta High Court

Case No: None

Joggessur Singh and
Others

APPELLANT

Vs

Bycunt Nath Dutt and
Others

RESPONDENT

Date of Decision: April 30, 1880

Citation: (1880) ILR (Cal) 822

Hon'ble Judges: Tottenham, J; Jackson, J

Bench: Division Bench

Judgement

Jackson, J.

The Appellate Court had also the survey map of the year 1844, to which objection had been taken, that objection being the old formal one, that, by an order of the Board of Revenue, the entire Government survey of the district of Hooghly had been annulled and a fresh survey made. That does not appear to us specifically to affect the presumption of law contained in the Evidence Act in favour of the particular survey map of this mouza, which must be presumed to be correct until the contrary is proved by the parties. It does not prove the contrary to show that the general survey had been set aside, because it is quite consistent with that order that the actual bearing of the land in suit should be correct. However that may be, it seems that a second survey having taken place in the year 1870, a new map was made, which coincided precisely with that of 1844. Under these circumstances, we think that the lower Appellate Court had before it, independently of the decisions objected to, sufficient grounds for affirming the judgment of the Court below.

2. The appeal is dismissed with costs.