

(1869) 04 CAL CK 0037

Calcutta High Court

Case No: Special Appeal No. 2175 of 1868

Gopal Chandra Roy

APPELLANT

Vs

Nabin Chandra Bhandari and
Others

RESPONDENT

Date of Decision: April 28, 1869

Judgement

L.S. Jackson, J.

I think it quite clear that the plaintiff cannot maintain this suit. He had previously brought a suit against the defendant to obtain a kabuliat from him in respect of the land which he held under the plaintiff, alleging that land to be 8 bigas 17 katas, and in that suit it was conclusively determined by the Revenue Court and in the appeal from that Court that the land held by the defendant was 7 bigas, and no more. The plaintiff now brings this suit to eject the defendant from 1 biga and 17 katas. It is not alleged that the defendant has got possession of any land of the plaintiff's more than that which he occupied at the time of the previous decision, and which land was then adjudged to be 7 bigas, That being so, it is quite clear that the plaintiff is only endeavoring to raise in a slightly different form the same question which he unsuccessfully raised in the former suit, and that he cannot successfully maintain his present suit. The decision must be affirmed with costs.

Markby, J.

I am of the same opinion.