

**(1921) 12 CAL CK 0024**  
**In the Calcutta High Court**

Hari Charan Chakraborty and Others

APPELLANT

Vs

Jitendra Nath Gangully by his Mother and Guardian  
Sreemutty Satyabaty Debi

RESPONDENT

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**Date of Decision :** 14-12-1921

**Acts Referred:**

**Citation :** 65 Ind. Cas. 601

**Hon'ble Judges :** Suhrawardy, J;Cumming, J

**Bench :** Division Bench

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### Judgement

1. In this appeal by the defendants against the judgment of the Subordinate Judge of Hooghly, affirming the decree of the Munsif at Howrah, three points have been urged before us.

2. First, that the Courts below should have reduced to writing the result of the local investigation held by them, and in support of this contention the cases of Raikishori Ghose v. Kumudini Kanta Ghose (2) and Joy Coomer v. Bundhoo Lall (1) have been cited. The learned Subordinate Judge and the learned Munsif visited the locality in order to ascertain if the map which was put in by the plaintiff correctly depicted the locality and it appears that they did not base their judgments on the result of the local inspections held by them. The law as to local inspection is that, when a Court bases its judgment on the result of the local inspection held by it, it ought to enter, the result of such investigation on the record in order to enable the parties to adduce evidence in respect thereof. In this case the Courts simply tried to ascertain the correctness of the map filed by the plaintiff. We do not think that the defendants were in any way prejudiced by the fact of the local investigation not having been put into writing.

3. The second point taken is that there ought to have been a measurement by a qualified ameer of the locality. It is evident from the judgment of the lower Appellate Court that the defendants never objected to the accuracy of the plan, Exhibit 3, before that Court. They did not traverse the evidence in the case that the map was prepared in their presence.

4. The third point is that the lower Appellate Court should have considered the evidence in order to determine whether the plaintiff's suit was barred by limitation or not. No such point was taken before that Court and we cannot enter into that question in second appeal.

5. The result is the appeal is dismissed with costs.