

(1886) 01 CAL CK 0013
In the Calcutta High Court

Haridas Senyal and Others

APPELLANT

Vs

Pran Nath Sanyal and Others

RESPONDENT

Date of Decision : 02-01-1886

Acts Referred:

Citation : (1885) ILR (Cal) 566

Hon'ble Judges : Tottenham, J;O''Kinealy, J

Bench : Division Bench

Judgement

Tottenham, J.—This was a suit for the partition of a khanabari belonging to the parties in this suit. The defendants objected that, if this particular khanabari only were partitioned, the result would be serious to them; that there are two other khanabaris adjoining the one in question, and that the partition ought to be applied to them also as well as to other joint-family property. The lower Appellate Court has decided that this suit for partition of this single khanabari could not be maintained, and has dismissed it.

2. We think that the weight of authority is in favour of the lower Appellate Court's decision. The cases are quoted by Mr. Mayne in his book on Hindu Law (See Mayne's Hindu Law, Section 417, 3rd Ed., p. 469). In the present instance we think that the decision of the Court below is reasonable as well as in accordance with law. The appeal is dismissed with costs.