

(1906) 02 CAL CK 0028
In the Calcutta High Court

Case No : Application for leave to Appeal to His Majesty in Council No. 41 of 1905

Lala Bhugwat Sahay and others

APPELLANT

Vs

Rat Pashupati Nath Bose and others

RESPONDENT

Date of Decision : 13-02-1906

Acts Referred:

Citation : (1906) 02 CAL CK 0028

Final Decision : Dismissed

Judgement

Macleay, C.J.—This is an application for leave to appeal to His Majesty in Council. The Subordinate Judge gave a decree for partition, but this Court reversed that decree and dismissed the suit. The Plaintiff now desires to appeal. The judgment against which it is sought to appeal being one of reversal, the only question is whether the value of the subject-matter in dispute amounts to Rs. 10,000. The Respondents say it does not. This is dependent upon whether or not, for the purposes of determining the value, the value of the whole estate sought to be partitioned, or the value only of the Plaintiff's share is the true criterion.

2. We think that for the purposes of valuation within sec. 596 of the CPC the value of the subject-matter of the suit is the value the whole of the estate which it is sought to partition, and not merely of the particular share which one of the parties may claim.