

(1923) 09 MAD CK 0044
In the Madras High Court

Ramakka

APPELLANT

Vs

V. Negasam
V. Negasam Vs Ramakka

RESPONDENT

Date of Decision : 07-09-1923

Acts Referred:

Citation : 92 Ind. Cas. 792

Hon'ble Judges : Venkatasubba Rao, J; Spencer, J

Bench : Division Bench

Judgement

Spencer, J.—The District Judge's finding is based mainly upon the lease-deeds executed in respect of the lands upon which mesne profits accrued during the years that the defendant was out of possession. We have heard no good reasons for doubting the genuineness of these documents, and if they are genuine, they afford the best possible evidence of the amount of profits.

2. The counter-petitioner does not press her objections as to interest. We accept the District Judge's findings.

3. As regards the costs of the Commission and the costs of the proceedings in the District Court we think that each party may fairly be asked to pay a moiety of all the costs incurred in the lower Court including the Commissioner's enquiry was not wholly to the advantage of either side and that the petitioner in the result is to get about half of what he originally claimed.

4. Civil Miscellaneous Appeal No. 401 of 1912 is dismissed with costs.

5. Civil Miscellaneous Appeal No. 411 of 1912 is allowed. Each side to pay and receive proportionate costs.