suspicion not altogether unfounded that a passenger was travelling with a wrong ticket, the Company was liable in damages to that passenger for slander. *De minimis non curat lex*, or, as the authors of the Penal Code have expressed it, "nothing is an offence by reason that it causes or that it is intended to cause or that it is known to be likely to cause any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm." The harm, if any, caused to plaintiff's reputation by the imputation that he was travelling with wrong ticket was so slight that he might well have contented himself with reporting the guard for incivility.

I would reverse the decrees of the Courts below and dismiss the plaintiff's suit. Each party must bear his own costs throughout.

APPELLATE CIVIL.

Before Sir Arthur J. H. Collins, Kt., Chief Justice, and Mr. Justice Parker.

RAIRU NAYAR (PLAINTIFF), APPELLANT,

v.

MOIDIN AND OTHERS (DEFENDANTS), RESPONDENTS.*

1889. Aug. 20, 26.

Limitation Act—Adverse possession.

In a suit in 1887 to redeem a kanom for Rs. 62 of 1835, it appeared that in 1862 the mortgagee had received a renewal of his kanom for a larger amount, and that the defendant had produced the document of renewal in 1864 to the knowledge of the plaintiff in a suit to which the plaintiff was party:

Held, that the suit was not barred by limitation. *Madhava* v. *Narayana* (I.L.R., 9 Mad., 244) distinguished.

SECOND APPEAL against the decree of A. F. Cox, Acting District Judge of North Malabar, in appeal suit No. 263 of 1888, confirming the decree of S. Ragunatha Ayyar, District Munsif of Tellicherry, in original suit No. 482 of 1887.

Suit to redeem a kanom of Rs. 62 granted by a former karnavan of the plaintiff's tarwad to the father of defendant No. 1 in 1835. Defendant No. 1 set up a kanom interest for Rs. 192 over the property alleging that he had made a further advance of

* Second Appeal No. 1813 of 1888.

RAIRU NAYAR v. MOIDIN.

Rs. 100 in 1862 in which year the subsisting kanom interest in his favor was Rs. 92, and had received a further kanom deed, filed in the suit as exhibit A, for the whole amount. This document had been produced by the present defendant at the instance of the present plaintiff, and put in evidence by the latter in a suit instituted by him in 1864.

The plaintiff now said it was a forgery, or even if genuine, invalid as against his tarwad.

Both the District Munsif and on appeal the District Judge held that the above allegations of the defendant were established. The suit was dismissed by the District Munsif after a trial of the whole case: the District Judge on appeal affirmed the decree of the District Munsif holding "on the principle which appears to "have been followed in *Madhava* v. *Narayana*(1) that the first "defendant's possession of the land became hostile as soon as the "plaintiff was aware of the claim now put forward"—which was in 1864 at the latest—and consequently that the suit was barred by limitation.

The plaintiff preferred this second appeal.

Sankara Menon for appellant.

Sankaran Nayar for respondent No. 1.

JUDGMENT.—The Acting District Judge has dismissed the appeal on the ground that first defendant's possession became hostile from the date of plaintiff's knowledge of exhibit A, and has relied upon *Madhava* v. *Narayana*(1) in support of this finding. We are not able to agree that the case applies, for in that case the alienation, which the plaintiff sought to set aside, was the original alienation, whereas in this case the plaintiff merely ignores a renewal on an increased fee, which he says is not binding on the tarwad.

In a similar case unreported (S. A. 676 of 1886) it was held by Collins, C.J., and Brandt, J., that the decision in *Madhava* v. *Narayana*(1) did not apply.

We must therefore reverse the decree of the Lower Appellate Court and remand the appeal for determination on the other points which arise.

The costs will abide and follow the result.

(1) I.L.R., 9 Mad., 244.