

1882
 BHUGWAN
 CHUNDER
 ROY
 CHOWDERI
 v.
 MANICK
 BIBER,

there must have been facts in that case of such a nature as to put the matter on a different footing from the other cases.

These considerations are sufficient to dispose of the present case, and the appeal will, therefore, be dismissed with costs.

Appeal dismissed.

Before Mr. Justice Tottenham and Mr. Justice Bose.

1882
 July 31.

BALLY DOBHY (PLAINTIFF) v. GANEI DEO AND ANOTHER
 (DEFENDANTS).*

Execution of decrees—Attachment—Shikmi Ghatwali Tenure.

A shikmi ghatwali tenure, held under the superior ghatwal, is not liable to be sold in execution, nor are its proceeds liable to attachment for satisfaction of the debt due from its holder.

Mr. Evans, Baboo Mohesh Chunder Chowdhry and Baboo Mohini Mohun Roy for the appellant.

Mr. Branson, Baboo Sree Nath Dass, Baboo Doorga Mohun Dass, and Baboo Kuroona Sindhu Mookerjee for the respondents.

The facts of this case sufficiently appear from the judgment of the Court (TOTTENHAM and BOSE, JJ.) which was delivered by

TOTTENHAM, J.—We are of opinion that the lower Courts' judgment is correct. The question involved in the suit is whether a shikmi ghatwali tenure, held under the superior ghatwal, is liable to be sold in execution, or its proceeds liable to attachment for satisfaction of the debt due from its holder. The lower Court has held that it is not liable for such debts, and we entirely concur in that opinion. The shikmi tenure partakes of the nature of the superior ghatwali tenure, and as the latter has been repeatedly held by this Court to be not liable for such debts, the former will be necessarily so. The inferior tenure cannot have larger incidents attached to it than the superior.

We accordingly dismiss the appeal with costs.

Appeal dismissed.

* Appeal from Appellate Decree No. 2457 of 1880 against the decree of W. Oldham, Esq., Deputy Commissioner of Damka, dated the 29th September 1880, modifying the decree of C. W. Wilmot, Esq., Sub-Judge of Deoghur, dated 12th May 1880.