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SAYJAD
HUSAIN
v.
WAZIR ALI
KHAN.

purposes a concurrent finding on a matter of fact, and that accordingly such a finding cannot be disturbed. The rules so clearly laid down by Lord Macnaghten in *Karuppanan Servai v. Srinivasan Chetti* (1) should be followed.

Their Lordships will accordingly humbly advise His Majesty that the appeal should be dismissed with costs.

Appeal dismissed.

Solicitors for the appellants.—*W. W. Box & Co.*

Solicitors for the respondent, Basti Begam.—*T. L. Wilson & Co.*

J. V. W.

APPELLATE CIVIL.

Before Mr. Justice Sir Henry Griffin and Mr. Justice Chamier.

JAGGI LAL AND OTHERS (PLAINTIFFS) v. SRI RAM AND OTHERS (DEFENDANTS).^{*}
Act No. XV of 1877 (Indian Limitation Act), schedule II, articles 110, 116—Suit to recover rent on a registered lease—Limitation.

Held that a suit for the recovery of rent based upon a registered lease is governed as to limitation not by article 116, but by article 110, of the Indian Limitation Act, 1877. *Ram Narain v. Kamia Singh* (2) followed.

This was a suit for recovery of arrears of rent based upon a registered lease executed on the 1st of December, 1883, and registered on the 31st of December of the same year. The plaintiffs claimed arrears for six years. The court of first instance gave them a decree for three years' arrears only, holding that as regards the remainder of the claim the suit was barred by limitation. The plaintiffs appealed to the High Court.

Dr. Satish Chandra Banerji, for the appellants.

Mr. M. L. Agarwala and *Munshi Gokul Prasad*, for the respondents.

GRIFFIN and CHAMIER, JJ.—This appeal arises out of a suit for arrears of rent based on a registered lease executed on the 1st of December, 1883, and registered on the 31st of December, 1883. The plaintiffs claim six years' arrears. The court below has given them a decree for three years' arrears, holding that the claim for three years is barred by limitation.

^{*} First Appeal No. 103 of 1911 from a decree of Hari Mohan Banerji, Additional Subordinate Judge of Cawnpore, dated the 23rd of January, 1911.

(1) (1901) I. L. R., 25 Mad., 215 (219); L. R., 29 I. A., 88 (89).

(2) (1903) I. L. R., 26 All., 138.

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The plaintiffs appeal, and it is contended that the defendants have made an acknowledgement of their liability, which, under the provisions of section 19 of the Limitation Act, operates to save limitation. This acknowledgement is said to be found in the defendants' account books. Extracts of these account books are on the record. They contain certain entries relating to the rent of the land in suit. The plaintiffs, however, have failed to show that these accounts bear the signature of the defendants or their authorized agent. In this respect they have failed to satisfy us that the entries in question operate as an acknowledgement within the meaning of section 19 of the Limitation Act.

If it is further contended that the lease being a registered one, they are entitled to sue within six years under article 116. In a similar case decided by Mr. Justice BURKITT, *Ram Narain v. Kamta Singh* (1), it was decided that article 110 was applicable to a suit of this nature. The learned Judge observed:—"I do not understand why when the article (110) apparently plainly provides for the case now before me, I should go out of my way and hold that article 116 applies." We entirely agree with the view of Mr. Justice BURKITT in the case referred to. We are aware that the question has been decided differently elsewhere, but there has been no unanimity of opinion. Under these circumstances we prefer to follow the decision of our own Court. The appeal is dismissed with costs.

Appeal dismissed.

Before Mr. Justice Banerji and Mr. Justice Figgott.

AHMAD-U D-DIN (PLAINTIFF) v. ILAHI BAKHSH AND OTHERS
(DEFENDANTS).*

*Muhammadian Law—Gift of a fixed share of offerings made at a shrine—
Validity of—Possession of subject of gift.*

Held that a gift of the right to receive a certain share of the offerings which might be made at a particular shrine was a valid gift and not repugnant to the doctrines of the Muhammadian Law. *Amtul Nissa Begam v. Mir Nurudin Hussein Khan* (2) distinguished.

This was a suit to recover possession of certain property as the heir of one Maksud-un-nissa. It was resisted mainly on the

* First Appeal No. 200 of 1911 from a decree of Gauri Shankar, Subordinate Judge of Moradabad, dated the 21st of June, 1910.

(1) (1903) I. L. R., 20 ALL., 138.

(2) (1896) I. L. R., 22 Bom., 489.

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