crops, which were the private property of the complainant. It was, therefore, a loss or damage caused to a private person and not to the public. The fact that the complainant was a village Mahár would not make his personal property the property of the public or even of the Mahár community generally. The Magistrate ought, therefore, to have entertained the application of the complainant to compound the case. We reverse the conviction and sentence, and remand the case to the trying Magistrate with instructions that he should admit the application, and, if he finds that the complainant is desirous of compounding the offence, act accordingly.

APPELLATE CIVIL.

Before Mr. Justice Parsons and Mr. Justice Ranade.

1897. *September 7.*

HIRALAL AND ANOTHER (ORIGINAL PLAINTIFFS), APPELLANTS, *v.* BAI ASI AND ANOTHER (ORIGINAL DEFENDANTS), RESPONDENTS.*

Letters Patent, 24 and 25 Vict., C. 104, Cl. 15—Appeal from an order of a single Judge of the High Court in the exercise of the Court's revisional or extraordinary jurisdiction—Appeal.

No appeal lies under clause 15 of the Letters Patent from an order of a single Judge of the High Court dismissing an application for the exercise of the Court's extraordinary or revisional jurisdiction.

The Letters Patent provide for an appeal only from a judgment passed in the original or appellate jurisdiction of the High Court.

APPEAL under clause 15 of the Letters Patent, 1865, from an order of Mr. Justice Candy.

The plaintiffs sued in the Court of Small Cause at Broach to recover Rs. 75 on a bond executed by Bái Asi for herself and as guardian of her minor son Isaji Saleman.

The Court decreed the claim against Bái Asi alone, holding that she had no authority to bind her minor son.

The plaintiffs thereupon applied to the High Court under section 25 of the Provincial Small Cause Courts Act (IX of 1887) for the exercise of its revisional jurisdiction by calling for the record of the case and allowing the claim against the minor also.

* Appeal No. 39 of 1897 under the Letters Patent.

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The application came on for hearing before Mr. Justice Candy, who dismissed it.

Against this order of dismissal, plaintiffs preferred an appeal under clause 15 of the Letters Patent.

K. M. Jhaveri for the appellants.

PARSONS, J.:—This is an appeal from the order of Candy, J., dismissing an application for the exercise of this Court's extraordinary jurisdiction by calling for the record of a case from the Small Cause Court of Broach under section 25 of the Provincial Small Cause Courts Act, 1887. The point is whether under clause 15 of the Letters Patent an appeal lies from his order.

That clause gives a right of appeal from the judgment of one Judge of the High Court or of one Judge of any Division Court pursuant of section 13 of the said recited Act. Section 13 of the Act provides for the exercise of the original and appellate jurisdiction vested in the High Court. It does not deal with the revisional or extraordinary jurisdiction which is vested in the Court by section 15 of the Act and by various Acts of the Legislature of this country. If we were to hold that there was an appeal from the order of a single Judge refusing to call for a civil case, we should equally have to hold that there was an appeal from an order calling for a case or calling for a return, or from any other act done in the performance of revisional or extraordinary jurisdiction. It seems to us that the Letters Patent provide for an appeal only from a judgment passed in the original and appellate jurisdiction of this Court. As the order in question does not fall within that description, there is no appeal therefrom. We dismiss the appeal.

RANADE, J.:—I concur. This application was made under section 25, Provincial Small Cause Courts Act, and prayed for the exercise of the revisional jurisdiction of this Court. That section by its very wording confers only a discretionary power, and if a Judge of this Court, exercising that discretion, declines to issue a rule *nisi*, I do not think that any order passed by him can be appealed against as a judgment or order passed by a single Judge within the scope of section 15 of the Letters Patent.

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That section obviously refers, in the first place, to the judgments passed in civil suits in the exercise of the original civil jurisdiction of the Court. It also refers to the orders passed by a single Judge disposing of the original and appellate work of this Court under rules made under section 13 of the Act relating to this Court.

The order passed in this application falls under neither category. It is not a judgment, and it does not come within the scope of the work disposed of by a single Judge in accordance with rules framed under section 13. It is, moreover, as observed above, a discretional jurisdiction, and, therefore, no appeal lies from such an order under paragraph 15 of the Letters Patent. There has been no precedent before where any such appeal was allowed, and we must, therefore, dismiss this appeal.

Appeal dismissed.

APPELLATE CIVIL.

Before Sir C. F. Farran, Kt., Chief Justice, and Mr. Justice Candy.

1897. September 13.

KANTHEPPA RADDI (ORIGINAL PLAINTIFF), APPELLANT, *v.* SHESHAPPA AND ANOTHER (ORIGINAL DEFENDANTS), RESPONDENTS.*

Limitation Act (XV of 1877), Sch. II, Art. 139—Landlord and tenant—Lease—Tenant overholding on expiration of lease—Nature of holding—Tenant by sufferance—Adverse possession—Limitation.

Semble—Under article 139, Schedule II, of the Limitation Act (XV of 1877) time begins to run against a landlord when the period of a fixed lease expires, when there is no evidence from which a fresh tenancy can be inferred, and not at some indeterminate date after that period.

Where a tenant holds over after the expiration of his lease without further agreement, such holding over, though by English law styled a tenancy by sufferance, is wrongful. Slight evidence, however, will suffice to change his position into that of a tenant at-will.

SECOND appeal from L. Crump, Assistant Judge of Dhárwár.

Suit for possession. This suit was filed in 1893. The defendants pleaded (*inter alia*) that the plaintiff's claim was barred by limitation.

* Second Appeal, No. 150 of 1897.