

rupees 425, annas 9, admitted to have been advanced by the defendant from their separate funds in order to secure the above right, together with interest at twelve per cent. from 20th March 1848, the date of the decree, settled by compromise,—awarding the right in question, on payment of the above sum by the defendant to Greesh Chunder Mookerjee,—up to the date of payment of such two-thirds by the plaintiffs.

We modify also the decree of the lower court by awarding to plaintiffs costs in that court, and we award also in their favor costs in this court, in the proportion of the properties decreed on a total valuation of the suit at its original calculation, viz., rupees 14,335,—all costs arising from the valuation having been raised by the admission of the plaintiffs to rupees 50,000, to be borne by them.

[19] *The 14th January, 1852.*

PRESENT: J. R. COLVIN, J. DUNBAR, ESQRS., *Judges*, AND
A. J. M. MILLS, ESQ., *Officiating Judge*.

CASE NO. 28 OF 1850.

Regular Appeal from the decision of Roy Hurchunder Ghose, Principal
Sudder Ameen of Zillah 24-Pergunnahs, dated 14th December, 1849.

PEAREE LALL MUNDUL (*one of the Defendants*), *Appellant v.* LOKNATH
HALDAR AND KOWLAKANTH HALDAR (*Plaintiffs*), *Respondents*.

[*Practice, costs—Parties impleaded without sufficient grounds—Improper valuation of suit—Costs.*]

Case connected with the preceding. The plaintiffs charged with the due costs of the appellant, who had been made a defendant by them without sufficient grounds. The appellant, however, to bear the extra costs in appeal, caused by his having laid it at an amount greatly in excess of the value of the lands in reference to which alone the suit had been brought against him.

Vakeels of Appellant—Kishen Kishore Ghose and Nilmoney Banerjee.

Vakeels of Respondents—Baboo Ramapersaud Roy, Sumbhoonath Pundit and Mr. Waller.

SUIT laid at rupees 881-8, for the recovery of costs.

This case is connected with the preceding. The appellant was made a defendant by the plaintiffs, but, as far as has been established by the record, without sufficient grounds. The plaintiffs must, therefore, pay the costs of the appellant in both courts at the total valuation, rupees 1,692-15-6-2, of the 17 baegahs, 2 cottahs, in respect of which he was made a defendant. The appellant must, however, bear the costs, both in this and in the lower court, in the proportion of the remainder of the valuation (rupees 50,000) at which, as the alleged proper value of the entire suit, he chose to file his pleadings before the plaintiffs raised their valuation by a supplement to that sum, instead of confining his pleadings to the value, as above stated, of the lands in reference to which alone the suit was brought against him.