

(defendant) appellant's asserted title, and that of a third party, who also came forward to dispute it. If the decision on the merits, or on the issues, raised on the respective rights of the parties, be correct, I cannot see that there is any thing opposed to law in the judgment given or any thing incapable of being given force to on a decree to the extent prayed for, and believing that there is nothing in the plaint or in the action which under Regulation and Hindu law should prevent our hearing it, I would go into the merits of the contest between the parties and decide on the same, as the best means of preventing long and protracted litigation which must otherwise ensue.

[506] *The 2nd June, 1856.*

PRESENT: A. SCONCE, ESQ., *Officiating Judge*,
J. S. TORRENS AND C. B. TREVOR, ESQRS., *Extra Judges*.

CASE No. 6 of 1854.

Regular Appeal from the decision of Mirza Mahomed Sadiq Khan, Principal
Sudder Ameen of Sarun, dated 19th November 1853.

BRIJNUNDUN KOONWUR (*Plaintiff*), *Appellant v.*
FUTTEH BAHADOOR AND MUSST. PRANPUTTEE (*Defendants*); *Respondents.*

Vakeels of Appellant—Baboo Ramapersaud Roy, Mr. E. Colebrooke and
Moonshee Ameer Alee.

Vakeel of Respondents—Baboo Kishen Kishore Ghose.

[See 12 S.D.A.R. 494, *supra*.]

As above, except as to costs.

SUIT laid at rupees 70,971-2-1-7k.

This appeal was preferred by the claimant in the suit disposed of as above, on the appeal of the defendant Pranputtee. As the case has been dismissed on appeal, this necessarily follows, but as appellant came forward of her own accord without being made a defendant, she will bear her own costs.

property, real and personal, which (share) was received in partition (by her husband's father) and is now in her possession and when the plaintiff has no connection with that share then she (our client) has the absolute right. Under these circumstances the objections urged by the plaintiff do not deserve to be heard. Although our client, who is the lawful heir, and her daughter who is capable of bearing heir-at-law, are living, still the plaintiff, has unjustly brought this suit evidently with no other view than to harass and involve her with costs and to take her property. But she (our client) is confident that the justice of the court will restore her to her right.

In conclusion our client prays that the court will be pleased to release her from the unjust claim of the plaintiff, by taking into consideration the reasons stated above, and making a reference to her proofs.