

therefore very rare," and Sir J. T. Coleridge referred to three cases as establishing those opinions—*In re Ames and others* (n), *Reg. v. Joykissen Mookerjee* (o), and *The Falkland Island Company v. The Queen* (p). In the present case there has neither been any difference of opinion amongst the Judges who compose this Court, nor any question of jurisdiction, nor has there been decided in it any other question of great or general importance, which would justify us in sending such a case as this any further. The authorities, to which we have referred, satisfy us that, if we were to grant permission to appeal to Her Majesty in Council on the present occasion, we should exceed our duty.

1873.
Reg.
v.
Pestianji.
Dinshā.

Leave to appeal refused.

[APPALLATE CIVIL JURISDICTION]

Cross Special Appeals Nos. 175 and 223 of 1872.

No. 175.

RANCHHOD JAMNÁDÁS.....*Appellant.*

January 27.

LALLU HARIBHAI.....*Respondent.*

No. 223.

LALLU HARIBHAI.....*Appellant.*

RANCHHOD JAMNÁDÁS.....*Respondent.*

Breach of contract—Mandatory Injunction—Damages.

Where the plaintiff and the defendant, being owners respectively of two adjoining houses and the verandahs immediately in front of those house, agreed that they should keep the verandahs open and not build upon them or divide them by a wall :—

(n) 1 Moo. P. C. C. 409.

(o) 1 Moo P. C. C. N. S. 272. (p) 1 Ibid 299.