

APPELLATE JURISDICTION. (a)

Special Appeal No. 563 of 1861.

KAMPILIKARIBASAVAPPA

Appellant.

SOMASAMUDDIRAM

Respondent.

An adjustment of accounts may be proved by oral evidence.

THIS was a special appeal against a decree of P. Irvine, the Civil Judge of Bellary, in Appeal Suit No. 32 of 1860 affirming the decision of the Acting Principal Sadr Amin of Bellary, in Original Suit No. 10 of 1860, who had dismissed the plaintiff's claim for rupees 2,961-14-11, being the balance due in a settlement of accounts. The ground taken by the Civil Judge was that an adjustment of accounts could not be proved by oral testimony.

1863.
February 2.
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of 1861.

Branson for the appellant, the plaintiff.*Norton* for the respondent, the defendant.

PER CURIAM:—Of all cases in which oral evidence is admissible, this is one in which its admission is most clear and unobjectionable. With this observation the case will be remanded for disposal on the merits.

(a) Present : Scotland, C. J. and Holloway, J.

NOTE.—The same point was decided at the same time in *Special Appeal No. 537 of 1861* in which the appellant in S. A. No 563 of 1861 was the respondent and the respondent the appellant.