

## APPELLATE JURISDICTION (a)

*Regular Appeal No. 16 of 1867.*CHINNA RANGAIYANGAR and another..... *Appellant.*SUBBRAYA MUDALI and 7 others..... *Respondents.*

Where there were not good and sufficient grounds for the removal from office of the defendants, Superintendents of a Pagoda, within Section 3 of Act XX of 1863, by the Committee appointed under that Act, the High Court confirmed the decree of the Civil Judge dismissing a suit brought by the plaintiffs, who had been appointed by the Committee as Superintendents in place of the defendants, for the recovery of the Pagoda and the property belonging to it.

1868.

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of 1867.

THIS was a Regular Appeal against the decision of R. Davidson, the Acting Civil Judge of Tanjore, in Original Suit No. 15 of 1866.

*Mayne*, for the appellants, the plaintiffs, and the 4th respondent, the 4th defendant.

*O'Sullivan*, for the 1st respondent, the 1st defendant.

Upon the first hearing of this appeal the High Court directed an issue to be tried by the Civil Judge. See ante page 338. Upon the return of the finding of the Civil Judge the Court delivered the following.

JUDGMENT :—The only point left for determination in this case was, whether there were good and sufficient grounds to warrant the removal of the first, second and third defendants from their office of Puchayets. The Lower Court has, on this issue, returned a finding in the negative. We have considered the evidence returned by the Civil Judge, and are of opinion that he arrived at a correct conclusion. The result is, that the decree below dismissing the suit, must, on this ground, be confirmed : and, on consideration, we think that the case is not one in which we should deprive the successful respondents of costs. The appellants, therefore, must pay the first respondent's costs in this appeal. The fourth respondent, who appeared and supported the case of the appellants, will bear his own costs.

*Appeal dismissed.*

(a) Present :—Scotland, C. J., and Collett, J.