

## APPELLATE JURISDICTION (a)

*Regular Appeal No. 52 of 1865.*

SRI RÁJA SITÁRÁMA KRISHNA RÁYADAPPA RANGA RÁZ BAHÁ- DUR GÁRU, Zamindár of Bob- bily .....	}	<i>Appellant.</i>
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SRI RÁJA SANYÁSI RÁZU PEDDA BALIYÁRA SIMHULU BAHÁDUR GÁRU Zamindár of Sálur.....	}	<i>Respondent.</i>
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The omission of a mere courtesy cannot be taken to be equivalent to slandering or libelling a man and is not an actionable wrong.

1866.  
 January 6.  
 R. A. No. 52  
 of 1865.

THIS was a regular appeal from the decree of Charles Collett, the Civil Judge of Vizagapatam in Original Suit No. of 1865.

*O'Sullivan*, for the appellant, the plaintiff.

The Court delivered the following

JUDGMENT :—In this case a Zamindár seeks to recover Rupees 60,000 from another Zamindár because, in a petition addressed to a District Munsif, he called him what he really was, viz., the 12th defendant, the ground being that the honorific *Garu* was not added. It is difficult to see how this could be an actionable wrong. Not only was there nothing in the term used to injure the Zamindár's character, but the term fully sets forth his actual character, so far as the District Munsif's Court was concerned, and no more.

The Zamindár's counsel endeavoured to persuade us that we ought to consider the effect of the omission upon the wild and savage tenantry of the two Zemindárs. This is not the question. It is whether the omission of a mere courtesy can be taken to be equivalent to slandering or libelling a man, and we are clearly of opinion that it cannot.

This appeal must be dismissed with costs.

(a) Present : Frere and Holloway, J J.