

1878  
 EMPRESS  
 v.  
 BAIDANATH  
 DAS.

question which we are called upon to decide was given up by the Government pleader without argument; and that in the second case the learned Judges merely followed the ruling in the first, so that this would appear to be the first occasion on which the point has been seriously considered.

---

## ORIGINAL CIVIL.

---

NARAIN SINGH v. RAM LALL MOOKERJEE.

1878  
 Feb. 18.

*Practice—Immoveable Property situate in different districts—Leave to admit  
 Plaintiff—Civil Procedure Code (Act X of 1877), ss. 2, 19—Charter Act,  
 cl. 12.*

Under s. 19 of the Civil Procedure Code, it is not necessary to obtain the leave of the Court to sue in respect of immoveable property situate partly within and partly without the ordinary original civil jurisdiction of the High Court.

THIS was a suit respecting immoveable property, part of which was situate within, and part without, the jurisdiction of the Court.

Mr. *Moyle* now moved to admit the plaintiff under cl. 12 of the Charter Act.

Mr. *Bonnerjee* as *amicus curiæ* called the attention of the Court to s. 19 of the Civil Procedure Code, which says that if a suit be to obtain relief respecting property or compensation for wrong to immoveable property situate within the limits of different districts, the suit may be instituted in any Court otherwise competent to try it within whose jurisdiction any portion of the property is situate; and to s. 2, which defines "district" as including the local limits of the ordinary original civil jurisdiction of a High Court; and asked whether applications of this nature should, for the future, be made under cl. 12 of the Charter or not.

PONTIFEX, J., admitted the plaintiff, and said that s. 19 of the Code gave the Court jurisdiction, and that it was not necessary to apply under cl. 12 of the Charter.

---