

Equivalent Citation: AIR 1926 Lah 672, 97Ind. Cas.293

IN THE HIGH COURT OF LAHORE

Decided On: 29.06.1926

Appellants: **Lakhu Ram and Ors.**

Vs.

Respondent: **Wali**

JUDGMENT

1. The only question in this second appeal is whether the District Judge has placed the right interpretation upon certain words which occur in a. sale deed executed in the year 1894, by which the father of the plaintiff purchased a large area of khewat land together with the shamilat deh muzkur. The whole difficulty in the case has. arisen from the insertion of this word "muzkur." There is both shamilat deh and. shamilat patti in the village, and in 1915 the shamilat patti was partitioned and one-half of the whole fell to the defendant, the son of the vendor. It was not until 1920 that the present suit was launched. The contention is that the word "shamilat" includes both the shamilat deh and shamilat patti, the rival interpretation being that the word "shamilat" means "shamilat deh." We know very little of the subsequent history of the village and neither side can tell us whether the shamilat deh was partitioned and what its area was.

2. Taking everything into account we are not prepared to say that the view taken by the District Judge was wrong and where two inferences can be drawn, we accept the alternative chosen by him as laid down in Madho Rao v. Govind Bhat [1918] 46 I C 794 and Raja Ram v. Ganesh Hart [1897] 21 Bom 91. We therefore dismiss the appeal: and, under the peculiar circumstances of the case we leave the parties to bear their own costs throughout.

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