

1869
July 6.

Referred Case.

Lalji Vajjnath *Plaintiff.*
Ravji Abaji. *Defendant.*

Year—Native date—Bond.

Where a bond, by which money lent was agreed to be repaid within one year, bore a native date only, *it was held* that the year was to be calculated according to the native calendar of which the bond bore the date.

Case stated for the opinion of the High Court by Baron De H. Larpent, Joint Judge of Puna, under Sec. 28 of Act XXIII. of 1861 :—

“ In this case the defendant borrowed a sum of money from the plaintiff, and passed a bond by which he agreed to repay the amount within one year. The bond bears date the 1st Shravan Shudhya Shake 1783, and this is the only date used.

“ The question to be decided is whether the period should be calculated according to the native or the British calendar, and this depends on what the intention of the parties was at that time of the transaction. I think it was clearly their intention that the amount should be repaid on the next 1st Shravan Shudhya following that on which the bond was passed; and if this be so the claim is barred.

“ Now it is urged by the respondent that he is entitled to calculate either according to the English or the Hindu era, whichever may be the most favourable to his interests, and he quotes S. A. No. 2818 (a) in support of his case.

“ But it has been lately decided in the High Court in the case of *Gunpatrav bin Ramji v. Manu bin Mohanji (b)*, on a case referred, that where a promissory note executed by a native bore a native date only, and was made payable in a certain number of months from such date, these months should be calculated according to the native, and not the British calendar.

(a) Morris' Selected Decisions, Part 1, p. 115.

(b) 5 Bom. H. C. Rep. A. Q. J. 159.

“ This case is similar, except that the period is the year and not the month ; and following the latest decision of the High Court, I find that the time should be calculated according to the native calendar.”

1869
Lalji Vajjnath
v.
Ravji Abaji.

Per Curiam (Conch, C. J., and Gibbs, J.) :—The Court is of opinion that the year is to be calculated according to the native calendar.

July 6.

Special Appeal No. 403 of 1868.

Krishnabhat bin Hiragange. ... *Appellant.*
Kapabhat bin Mahabhat *et al.* ... *Respondents.*

Office of hereditary priest—Hindu Law—Immoveable property—Limitation—Act XIV. of 1859. Sec. 1, c. 12.

In a suit between Hindus the office of hereditary priest to a temple though not annexed to or held by virtue of the ownership of any land yet being by that law classed as immoveable property, should be held to be immoveable property within the meaning of cl. 12 of Sec. 1. of the Limitation Act.

This was a Special Appeal from the decision of R. West, Acting Judge of Canara, in Appeal Suit No. 167 of 1867, confirming the decree of the Munsif of Kunnta.

The facts of the case appear sufficiently from the judgments of the members of the Court.

The appeal was heard by Conch, C. J., and Gibbs, J., on the 5th April 1869.

Dhirojlal Mathuradas for the appellant.

Shantanam Narayan for the respondents.

Cur. adv. vult.

6th July—Conch, C. J.:—The plaint in this suit stated that the plaintiff was an hereditary priest of a temple, and that in 1813 the right of worship was divided between his ancestors and the ancestors of the first defendant; that his father had performed the rites and received the emoluments during his life; but he died whilst the plaintiff was an infant; and