

Revenue (g). We think exhibit No. 15 is properly stamped, as a letter or power of attorney, with a stamp of four rupees, as the value of the property to be dealt with exceeded Rs. 500.

1870.
PESTANJI
MANCHARJI
WÁ'DIÁ'
vs.
MATCHETT
et al.

The decree of the Acting Judge, therefore, cannot be supported. We have, therefore, to consider what decree this court should make. The Acting Judge has decreed that the plaintiff, Joseph Matchett, should recover from the defendant Rs. 7,095-12-0 and interest at nine per cent. per annum from the date of the plaint. The appellant has stated, by his pleader, that he is willing to take what has been so found due, and that he does not desire to have the case remanded that he may be heard on the question of what is due. The Principal Šadr Amín awarded him Rs. 8,000, and he did not appeal against that. The decree of the Acting Judge should be amended, by striking out the part which dismisses the appellant's claim with costs, and adding after "from the date of the plaint till payment" the words "and it is ordered that out of the said sum so awarded there be paid to Pestanji Rs. 8,000 and interest at nine per cent. per annum from the 21st of April 1868, and that the residue, if any, be paid to the plaintiff Matchett; and if the sum awarded shall not be sufficient to satisfy the Rs. 8,000 and interest, the whole of it shall be paid to Pestanji Mancharji Wádíá."

MELVILL, J., concurred.

Decree reversed with costs.

(g) 11 Exch. 461.

Referred Case.

KA'SHIRA'M valad KRISHNA *Plaintiff.*

March 1.

BHADU' BA'PU'JI *Defendant.*

Suit between Hindús—Verbal Abuse—Slander—Damages.

In a suit between Hindús in the Bombay Mofussil damages may be recovered for mere verbal abuse, without proof of actual damage resulting therefrom to the plaintiff.

CASE referred for the opinion of the High Court by the Honorable G. A. Hobart, District Judge of Khándesh, under Sec. 28 of Act XXIII. of 1861.

1870.

KÁSHIRÁM
KRISHNAv.
BHADU'
BA'PUJI.

“The plaintiff, Káshirám, sued to recover damages for defamation of character, alleging that in the presence of a numerous assembly, composed of caste-brethren, the defendant abused him, called his wife an unchaste woman, and his son a bastard. He seeks to recover the sum of 200 rupees as damages.

“The question is, whether a suit will lie for damages for mere verbal abuse, without actual injury or damage done to the plaintiff. I find that the utterance of slanderous words is proved as laid, but I am of opinion that the plaintiff is not entitled to recover damages, there being no allegation or proof of actual injury resulting from the abuse complained of. In coming to this conclusion, I follow the English law, which makes a distinction between spoken and written slander, and according to which mere abuse by word of mouth is not actionable unless it has caused some special damages to the plaintiff. I find that the Calcutta High Court has held otherwise, and ruled that verbal abuse causing no other injury than outrage to the plaintiff's feelings entitles him to sue for substantial damages : *Shaikh Tukee v. Shaikh Khoshdel Biswas (a)*, *Gour Chunder v. Clay (b)*, *Moulvie Gholám Hossein v. Hur Gobind Dáss (c)*.

The case was considered on the 1st of March 1870, by COUCH, C.J., and GIBBS, J.

PER CURIAM:—As this suit is brought in the Mofussil and the parties to it are Hindús, the rule of English law ought not to be applied to it. It must be decided according to Reg. IV. of 1827, Sec. 26, under which the rulings of the Calcutta High Court referred to may properly be followed; and similar decisions have been passed by the late Šadr Diváni Adálat of this Presidency.

(a) 6 Calc. W. Rep., Civ. R. 151. (b) 8 Calc. W. Rep., Civ. R. 256.

(c) 1 Calc. W. Rep., Civ. R. 19.