

NOTE :—

[APPELLATE CIVIL JURISDICTION.]

*Regular Appeal No. 50 of 1873.*THE GOVERNMENT OF BOMBAY..... (*original Defendant*) Appellant,  
vs.SUNDARJI SAVRA'M and others..... (*original Plaintiffs*) Respondents.*Assessment—Jurisdiction of Civil Courts in questions of assessment—  
Regulation XVII. of 1827.*

The jurisdiction of Civil Courts in questions of assessment, as that jurisdiction stood under Regulation XVII. of 1827, Chap. I, is confined to cases where the contention is that there is a right on the part of the occupant of the assessed land in limitation of the right of Government, in consequence of a specific limit to assessment having been established and preserved.

THIS was an appeal from the decision of Baron Larpent, District Judge of Surat, in Original Suit No. 4 of 1872. The appeal was heard by Westropp, C.J., and Melvill, J.

The plaintiffs Sundarji Savram and twenty-seven others sued the Government of Bombay in the District Court of Surat, and prayed for a declaration that they were only liable to pay Rs. 28-4-4 as assessment on the *bhagdári* village of Visalpur, and not Rs. 1,155-11-9 as demanded by Government.

The District Judge (Baron Larpent) held that Visalpur was subject only to a fixed assessment of Rs. 28-4-4, and passed a decree for the plaintiffs. In appeal the High Court confirmed his decree. Its judgment (which turned principally upon facts) is printed at length in the file of Printed Judgments of 1879, at p. 333. Upon the question of the jurisdiction of the Civil Courts in matters of revenue, Westropp, C.J., said : “ The authority of the District Court to entertain the suit being admitted, all that we shall say upon the subject of jurisdiction of the Civil Courts to deal with questions of assessment is that, in accordance with the view which has ever heretofore prevailed in this Presidency with respect to Regulation XVII. of 1827, Chap. I, which was in force when this suit was instituted, and, therefore, governs it, we regard that jurisdiction as confined to cases where, as here, the contention is that ‘there is a right on the part of the occupant in limitation of the right of Government in consequence of a specific limit to assessment having been established and preserved.’ We adhere to what has been said on this subject in the Kanara case,<sup>(1)</sup> and in the Kabilpur case,<sup>(2)</sup> and immediately afterwards acted upon in *Shaik Gulám Mohidin v. The Collector of Ahmedabad*.<sup>(3)</sup>”

1) *Vyakanta Bapuji v. The Government of Bombay*, *supra*, Appx., pp. 1—221 *et seq.*

(2) *The Government of Bombay v. Haribhai Monbhai*, *supra*, Appx., pp. 225—237 to 47.

(3) *Infra*, p. 276.

1875.

GOVERNMENT  
OF BOMBAYHARIBHAI  
MONBHAI.