

It is a general allegation, and if a manager is charged with mismanagement he is entitled to some particulars of the charges made against him. We might doubtless allow the application to be amended, or direct that the applicant give particulars of the nature of the mismanagement of which he complains; but when the pleader for the applicant was questioned by the Assistant Judge upon this subject, he stated that he was unable to furnish any particulars, but would be able to do so when the accounts were filed. The appellant's pleader before us was likewise unable to specify any. It would be useless, we think, to remand the case on this ground. Other than the non-filing of the inventory and accounts no cause for the removal of the manager has been urged before us.

We must, therefore, confirm the order under appeal with costs.

Order confirmed.

APPELLATE CIVIL.

Before Mr. Justice Jardine and Mr. Justice Rámade.

IN RE BAI HARKHA.*

Guardian and Wards Act (VIII of 1896), Secs. 47 (g) and 48—Order refusing to remove a guardian—Not appealable—Appeal—Practice.

The effect of sections 47 (g) and 48 of Guardian and Wards Act (VIII of 1896) is to allow no appeal from an order refusing to remove a guardian.

APPEAL from the decision of Venkatráo R. Inámdár, Acting Joint Judge of Ahmedabad.

One Jesang Bhukhan died leaving a widow Bái Harkha and four minor sons. On his death the District Judge of Ahmedabad appointed Shankár Bháibabhai to act as guardian of the minor's property.

Some time afterwards Bái Harkha applied to the District Judge to remove the guardian, on the ground that he had mismanaged the minor's property, and misappropriated its income, and was otherwise unfit to act as guardian.

* Appeal, No. 9 of 1895.

1895.

TRIMBARLÁL
GÓVANDÁS
v.
HIRÁLÁL.

1895.

July 30.

1895.

IN RE
BÁI
HARKHA.

The Joint Judge rejected this application, holding that the applicant had not made out a case sufficient for removing the guardian.

Thereupon Bái Harkha appealed to the High Court.

Gokaldás K. Párekh for appellant.

C. H. Setalvad for respondent.

PER CURIAM:—The effect of sections 47 (g) and 48 of Act VIII of 1890 is to allow no appeal from an order such as the Joint Judge has made, *viz.*, a refusal to remove a guardian. We, therefore, reject the appeal with costs.

Appeal dismissed.

APPELLATE CIVIL.

Before Mr. Justice Parsons and Mr. Justice Candy.

1895.

August 1.

GANESH VITHAL (ORIGINAL PLAINTIFF), APPELLANT, v. SHRIPAD DATTOBA' NA'IK AND OTHERS (ORIGINAL DEFENDANTS), RESPONDENTS.*

Tolls Act (Bombay Act III of 1875), Sec. 7†—Lease to levy tolls—Lessee, right of, to admit partners—Accounts, two sets of—False accounts kept to deceive Government.*

A lessee from Government of the right to levy tolls admitted into partnership with him the plaintiff and two others. One of the conditions attached to the lease prohibited sub-letting.

The plaintiff having brought a suit for his share of the profits realized in the transaction, the Judge dismissed the suit on the ground that the partnership was illegal, being of opinion that sub-letting and admitting a partner were identical.

Held, reversing the decree, that the partnership was not illegal.

Where in such a partnership two sets of account were kept, one true and the other false,

* Second Appeal, No. 945 of 1893.

† Section 7 of the Tolls Act (Bombay Act III of 1875):—

Every person other than the persons appointed to collect the tolls under this Act, who shall levy or demand any toll on any public road or bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and extortionately demand or take any other higher toll than the lawful toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six months, or to fine not exceeding Rs. 200, any part of which fine may be awarded by the Magistrate to the person aggrieved, but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court of the district.