

“Akola chalan,” but the word ‘chalan’ means no more than currency and the Akola currency is admittedly the British currency. That being so, it seems to me that the only distinction sought to be introduced was the distinction between the British currency of Akola and the currency of the neighbouring Native State which borders upon Akola. It may be desirable just to notice the case of *Ramin Chettiyyar v. Gopalachari* ⁽¹⁾, though it has not been cited to us. That case is distinguishable inasmuch as there the only fact in the plaintiff’s favour was that he resided at Kumbakonam, and there was no evidence that the debt was payable at Kumbakonam.

For these reasons I agree in the order proposed by my learned colleague.

Attorneys for the appellant:—*Messrs. Wadia, Gandhi & Co.*

Attorneys for the respondent:—*Messrs. Dikshit, Dhunjishah and Soonderdas.*

B. N. L.

(1) [1908] 31 Mad. 223.

APPELLATE CIVIL.

Before Mr. Justice Chandavarkar and Mr. Justice Heaton.

RANCHHODDBHAI VALLUVBHAI (ORIGINAL CLAIMANT), APPELLANT,
v. THE COLLECTOR OF KAIRA, RESPONDENT.*

1909.
February 1.

Bombay Civil Courts Act (XIV of 1869), section 16—Land Acquisition Act (I of 1894)—Assistant Judge hearing a claim—Value of the claim under Rs. 5,000—Appeal lies to District Court and not to High Court—Jurisdiction—Practice and procedure.

Where a claim under the provisions of the Land Acquisition Act, 1894, is heard by the Assistant Judge and the amount in dispute does not exceed Rs. 5,000 in value, the appeal lies to the District Court and not to the High Court.

Taxmi v. Aha ⁽¹⁾, followed.

APPEAL from the decision of K. Barlee, Assistant Judge of Ahmedabad.

* First Appeal No. 149 of 1907.

(1) (1908) 32 Bom. 634; 10 Bom. L. R. 924.

1909.

RANCHHOD-
BHAI
COLLECTOR
OF KAIRA.

The Collector of Kaira, acting under the powers conferred upon him by the Land Acquisition Act (I of 1894), compulsorily acquired 1 acre and 30 gunthas of lands belonging to the claimant, for the purpose of building a hostel for the students of the Nadiad High School.

The District Deputy Collector of Kaira, acting as Collector for the purposes of land acquisition, fixed the compensation at the rate of Rs. 3,600 per acre and awarded Rs. 2,938 to claimant for the land acquired.

The claimant claimed Rs. 4,000 per acre and applied to the Court of the Assistant Judge of Ahmedabad.

The Assistant Judge found the claim in excess not proved and confirmed the order passed by the lower Court.

The claimant appealed to the High Court.

G. S. Rao, for the appellant.

M. B. Chauhan, Government Pleader, for the respondent.

At the hearing, the Government Pleader raised the preliminary objection that the appeal lay to the District Court and not to the High Court.

CHANDAVARKAR, J.:—Following the ruling in *Laami v. Aba*⁽¹⁾, the reasoning of which applies to the facts of the present case, we must hold that no appeal lies to this Court from the order of the Assistant Judge, but that the appeal lies to the District Court. We, therefore, return the appeal for presentation to the District Court.

The respondent must have his costs of this appeal.

R. R.

(1) (1908) 32 Bom. 634; 10 Bom. L. R. 924.