

Bindeshri Saran Singh Vs. Muhammad Shafi

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Court : Allahabad

Decided On : Jul-06-1923

Reported in : (1924)ILR46All52

Judge : Pramada Charan Banerji, Acting C.J. and ;Piggott, J.

Appellant : Bindeshri Saran Singh

Respondent : Muhammad Shafi

Judgement :

Pramada Charan Banerji, Acting C.J. and Piggott, J.

1. In our opinion there is no force in this appeal. The plaintiff in his plaint claimed the ownership of the land on which the defendant had planted certain trees, and he asked for the removal of the trees and for possession of the land. He also asks for further reliefs. It has been found that the land belongs to the plaintiff, that it is waste land, and that the defendant had planted trees on the plaintiff's land without having any right to do so. It was further found that the trees were planted within twelve years prior to the institution of the suit. The claim being one for possession, it was clearly within time, the period of limitation applicable being twelve years. Reliance was placed on behalf of the appellant on the ruling of this Court in *Musharaf Ali v. Iftkhar Husain* (1888) I.L.R. 10 All. 634. In that case the real question was whether the limitation applicable was that prescribed by Article 32. It does not appear that the claim in that case was one for possession and therefore

that case cannot be deemed to be an authority in favour of the appellant's contention. The appeal in our opinion is untenable. 'We accordingly dismiss it with costs.

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