

their claim was removed Mala's share would be to that extent reduced. Three months' time was allowed in order to have these entries rectified, and that was in substance the whole effect of the order. No suit was brought in pursuance of this permission, and the entries were continued on the same footing in the revenue papers, down to and including those for 1905 and 1906, and clearly showed the interest of the plaintiffs in the joint estate.

These facts led the Chief Court to the conclusion that the defendants set up in 1890 adverse possession, and that that possession had continued for more than twelve years before the institution of these proceedings. If their Lordships were so able to interpret the proceedings referred to, they would not be prepared to differ from the judgment of the Chief Court, but in truth they can only find that at that time the revenue records were the subject of challenge, though apparently not by the present respondents, and that the parties interested in their alteration took no steps whatever to secure rectification, with the result that the appellants have remained, as shown by these records, entitled to their joint share in the property.

The absence of all the preliminary proceedings leading up to the order, to which reference has been made, has caused much of the difficulty in this case. If these could be examined much that is now obscure might be made plain, but it is only possible to reconstruct them from the order now in existence.

Their Lordships are unable to think that the information thus obtained is sufficient to justify them in holding that an estate, which must be accepted as having originally been joint, which is recorded as joint throughout the whole of the revenue records, is an estate from which the defendants were adversely excluded as the Chief Court think. Apart from the effect of these proceedings, the Chief Court, in agreement with the Court below, do not appear to regard the evidence of actual user as sufficient to establish the contention of abandonment or exclusion, and this conclusion is in agreement with their Lordships' view.

For this reason they will humbly advise His Majesty that the appeal be allowed with costs and the judgment of the Subordinate Judge restored.

Their Lordships' attention has been directed to the fact that the appellants only claimed a two-thirds share of the estate, but for some unexplained reason three-fourths has been awarded to them by the decree of the Subordinate Judge. This must be due to some error in drawing up the order, for it is inconsistent both with the claim and the evidence. In these circumstances the decree of the Subordinate Judge must be altered by substituting therein the words "two-thirds share" in the place of the words "three-fourths share," and so altered the decree should be restored.

In the Privy Council.

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HARDIT SINGH AND OTHERS

*v.*

GURMUKH SINGH AND OTHERS.

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DELIVERED BY

LORD BUCKMASTER.