

**INDEX TO FULL BENCH
RULINGS OF THE CALCUTTA
HIGH COURT, FROM 1862
TO THE PRESENT DATE**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649419531

Index to Full Bench Rulings of the Calcutta High Court, From 1862 to the Present Date by J. F. Browne

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

J. F. BROWNE

**INDEX TO FULL BENCH
RULINGS OF THE CALCUTTA
HIGH COURT, FROM 1862
TO THE PRESENT DATE**

1/8
Nov 15

INDEX

[Handwritten signature] 35c

TO

FULL BENCH RULINGS

OF THE

CALCUTTA HIGH COURT,

FROM 1862 TO THE PRESENT DATE.

BY

J. F. BROWNE, Esq., B.C.S.,

BARRISTER-AT-LAW, MIDDLE TEMPLE.



1870.

Bolo
Sett

CALCUTTA
FRASER & NEAVE, CALCUTTA GENERAL PRESS CO., LTD.,
5, COLLEGE ROAD STREET.

JAN 8 1910

PREFACE.

As matters stand at present, it is not easy for judicial officers, members of the bar, and legal practitioners to ascertain at a glance what points of law have, and what points have not, been authoritatively settled by the Calcutta High Court. Indeed, in many parts of the Mofussil, where complete legal reports are scarce and are often not to be found, it often happens that decisions are at variance with Full Bench Rulings, and discussions arise upon points which have been finally decided.

The only proper mode of meeting the difficulty is to publish the Full Bench Decisions of the High Court, not in chronological order, but duly classified according to their subject matter. Such a work would, however, cost much time and trouble, and is not likely to be accomplished for some time to come.

At present, the only books which enable the searcher to ascertain, without reference to numerous volumes and indexes, the Full Bench *dicta* of the High Court, are Sutherland's Special Number and the "Indian Digest," recently compiled by Messrs. Cowell and Woodman. The former work is, however,

most incomplete as it extends only to July, 1864. The latter work contains so many Rulings collected from all parts of India, that it is no easy task to distinguish and select the Calcutta Full Bench Rulings, which alone are binding on the Courts of Lower Bengal.

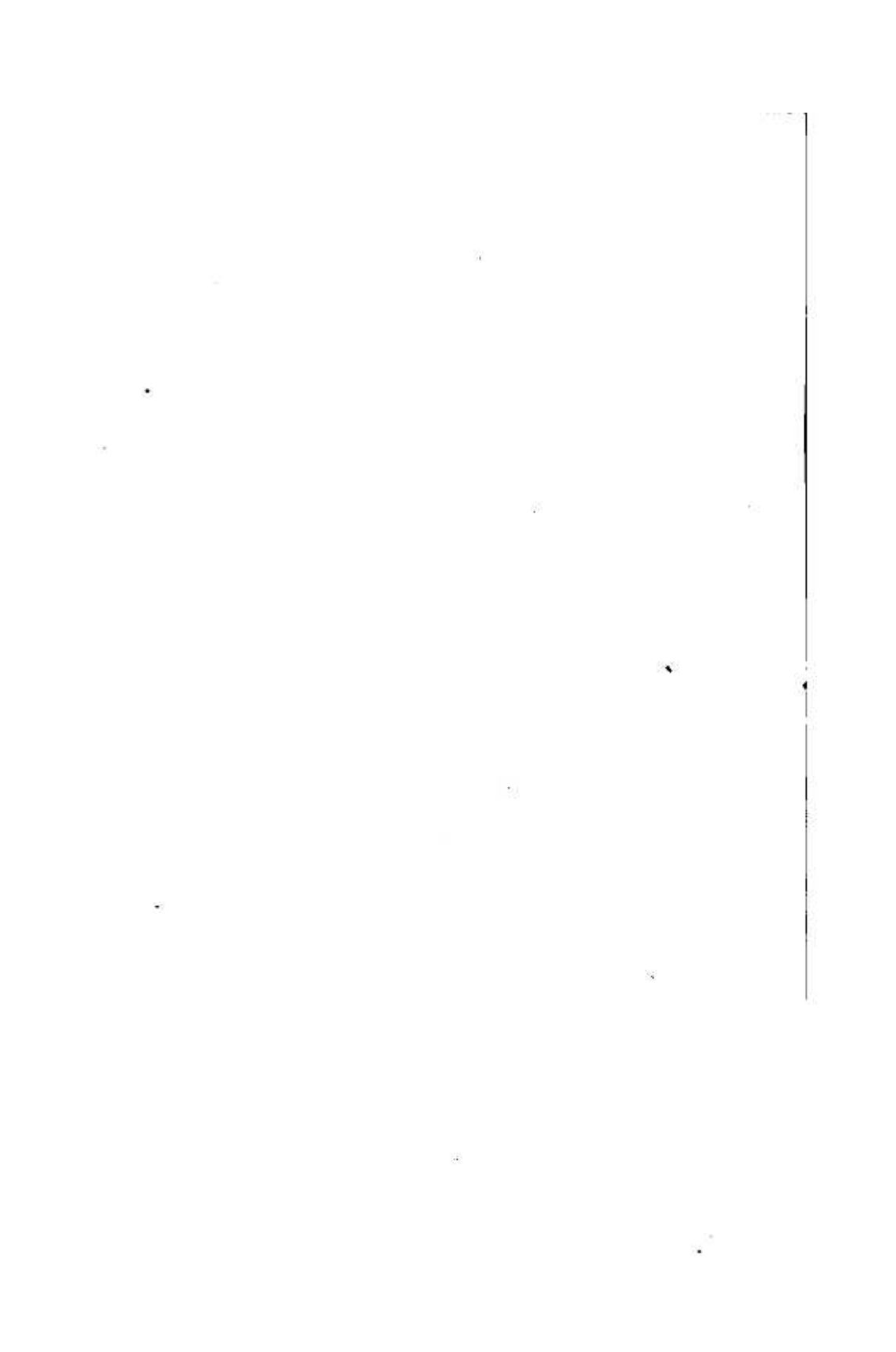
Under such circumstances, this small compilation will, perhaps, prove acceptable, both to the public at large and to those whose duties are connected with judicial and forensic business. It does not pretend to do more than supply, temporarily, a much felt and real want—in short, it is a mere *Vade Mecum* prepared with the view of enabling the searcher to ascertain with ease and rapidity at what page of the voluminous Law Reports, now in existence, the Full Bench Rulings of the Calcutta High Court are to be found.

The classification adopted in this Index will, it is hoped, be found methodical and easy; the subjects are alphabetically arranged; and it has been sought to illustrate, whenever practicable, the sections and text of the laws at present existing.

The Full Bench Rulings of Benches consisting of less than three Judges have been marked with an asterisk; the Rulings which changes in the law have rendered obsolete have been omitted.

REFERENCES.

- W. R.=Sutherland's Full Bench Rulings.
1, 2, &c. W. R.=Sutherland's Weekly Reporter.
S. C. C. R.=Sutherland's Small Cause Court References.
B. L. R.=Bengal Law Reporter.
Marsh.=Marshall's Reports.



INDEX

TO

FULL BENCH RULINGS.

ACCRETION.

(1). Held, notwithstanding a previous full bench ruling
Gradual accretion (W. R. 45*), that, in the case of allu-
over-rides identity of site. vial formations, mere identity of site is
not sufficient to over-ride the positive title acquired by gra-
dual accretion, under the provisions of Clause 1, Section 4,
Regulation XI. 1825.—3 W. R. p. 51.*

ACT XIX. 1843.

(2). A deed of sale, registered under XIX. 1843 does not,
Effect of priority of owing to the mere fact of registry,
registry. invalidate a prior unregistered mort-
gage.—5 W. R. p. 61.

ACT I. 1845.

(3). An agreement by a former proprietor, amounting to
Example of encum- an alienation of half of certain accreted
brance under I. 1845, chur lands in favor of an adjoining
Section 26. estate, is an encumbrance, void as
against auction-purchasers, under Section 26, I. 1845.—
2 W. R. 191.