

<p>Parties Involved:</p>

The plaintiff: The Raja of Jharia

The defendants: Adjoining colliery owners at Kujama

The appellants: The defendants

The respondents: The plaintiffs

<p>Facts:</p>

On August 2, 1894, the Raja of Jharia granted a mukarrari lease of coal and coal mining rights in 300 bighas to the defendants.

The defendants denied encroaching upon the plaintiffs' coal land and claimed the suit was barred by limitations.

The suit alleged that the defendants had encroached upon the plaintiffs' coal land and removed coal therefrom in or about the year 1932.

The plaintiffs claimed that the encroachment was prior to 1932, but the defendants claimed that the suit was barred by limitations.

<p>Evidences:</p>

A map has been referred to in each lease deed, which shows the boundary line between the two leaseholds.

The map annexed to the lease deed executed in favour of the respondents' predecessor refers to a map, but the appellants withheld it.

The learned Subordinate Judge found that the proceedings in 1932 had nothing to do with the delineation of the boundary line between the two holdings.

- The evidence of a witness accepted by the learned Subordinate Judge stated that he had no knowledge of the encroachment before.

<p>Arguments:</p>

- The appellants argued that the suit was barred by limitations, and that the burden of proof was on the plaintiff to establish that the suit was within time.

- The respondents argued that the encroachment was prior to 1932, and that the suit was not barred by limitations.

<p>Conclusions:</p>

- The High Court accepted the findings of the learned Subordinate Judge and dismissed the appeal.

- The court held that the coal that was left in the encroached area was entirely lost to the plaintiffs by being rendered unworkable.

- The court found that the defendants had encroached upon the plaintiffs' coal land and removed coal therefrom, and that the suit was not barred by limitations.