

<p>Parties Involved:</p>

The Plaintiffs: Samanta and his predecessor in interest

The Defendants: Adjoining colliery owners at Kujama

<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 on the plaintiffs' coal land and claimed the suit was barred by limitations.

The suit alleges that the defendants' encroachment on the plaintiffs' coal land and removal of coal occurred in or about 1932.

The southern boundary of the leasehold land is conterminous with the northern boundary of the leasehold land in favor of Samanta.

<p>Evidence:</p>

Maps referred to in the lease deeds have not been filed by the appellants.

The map annexed to the lease deed shows the boundary line between the two leaseholds, with the southern boundary of the plot conterminous with the northern boundary of the leasehold land in favor of Samanta.

The appellants have suppressed a plan that would be against their contention.

The map referred to in the lease should be treated as incorporated in the lease deed.

<p>Arguments:</p>

The burden of proof has been wrongly thrown on the appellant.

Article 48 of the Limitation Act governs the period of limitation in respect of the present suit.

The question is, on whom the burden to prove the said knowledge lies?

The plaintiff has the duty to establish, at any rate prima facie, that the suit is within time.

<p>Conclusions:</p>

The suit is not barred by limitation.

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

The courts found that there were only underground workings in the mines and that the quarries were mostly outside.

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

