Parties Involved:

- The plaintiffs: The owners of the coal and coal mining rights in 300 bighas, granted a mukarrari lease by the Raja of Jharia on August 2, 1894.
- The defendants: Adjoining colliery owners at Kujama who denied encroaching upon the plaintiffs' coal land and claimed that the suit was barred by limitations.

Facts:

- On August 2, 1894, the Raja of Jharia granted a mukarrari lease of coal and coal mining rights in 300 bighas to the plaintiffs.
- The defendants claimed that the suit was barred by limitations, and that they had not encroached upon the plaintiffs' coal land.
- The plaintiffs alleged that the defendants had encroached upon their coal land and removed coal therefrom, starting from 1932.
- The southern boundary of the leasehold land in favor of the defendants is conterminous with the northern boundary of the leasehold land in favor of the plaintiffs.
- A map has been referred to in each lease deed, which shows the boundary line between the two leaseholds.

Evidences:

- Exhibit 3(b) shows the boundary line between the two leaseholds.
- Exhibit C refers to a map, but the appellant withheld it.
- The evidence of the witness accepted by the learned Subordinate Judge shows that the appellant had encroached upon the south Kujamal Colliery in seam nos. 10, 11, and 12.

<p>Arguments:</p>

The appellant argued that the suit was barred by limitations, and that they had not encroached upon the plaintiffs' coal land.

The plaintiffs argued that the defendants had encroached upon their coal land and removed coal therefrom, starting from 1932.

The burden of proof was on the plaintiff to establish that the suit was within time.

The defendant had to prove that the knowledge of the encroachment was within three years of the suit.

<p>Conclusions:</p>

The High Court of Patna 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 findings were not vitiated by an error of law.