

<p>Parties Involved:</p>

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<li>The plaintiffs: The Raja of Jharia and the Samanta family</li>

<li>The defendants: Adjoining colliery owners at Kujama</li>

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<p>Facts:</p>

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<li>On August 2, 1894, the Raja of Jharia granted a mukarrari lease of coal and coal mining rights in 300 bighas to the Samanta family.</li>

<li>The defendants denied encroaching on the plaintiffs' coal land and claimed the suit was barred by limitation.</li>

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

<li>The plaintiffs claimed that the defendants had suppressed a plan that would show the encroachment.</li>

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<p>Evidence:</p>

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<li>Exhibit 3(b) referred to the boundary line between the two leaseholds.</li>

<li>The map annexed to the lease deed shows the boundary line between the two leaseholds.</li>

<li>The map annexed to the lease deed in favour of the respondents' predecessor in interest also refers to a map.</li>

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<p>Arguments:</p>

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<li>The burden of proof was on the plaintiff to establish that the suit was within time.</li>

- <li>The plaintiff had to prove that the defendants had knowledge of the encroachment before the suit.</li>

- <li>The defendants had to prove that the knowledge of their father was within three years of the suit.</li>

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<p>Conclusion:</p>

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- <li>The court found in favour of the plaintiffs, holding that the defendants had encroached upon the plaintiffs' coal land and removed coal therefrom.</li>

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

- <li>The court rejected the defendants' claim that the suit was barred by limitation and held that the burden of proof was on the defendant to prove that the knowledge of their father was within three years of the suit.</li>

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