

29—C. R. Negombo, 19,668.

APPUHAMY v. APPUHAMY.

March 12, 1913. ENNIS J.—

In this case the plaintiff prayed for the cancellation of a lease, or, in the alternative, for a refund of Rs. 100 paid in respect of that cancellation. The issues framed were :—“ Did plaintiff on April 28, 1911, pay defendant a sum of Rs. 100 on defendant undertaking to surrender lease, and was plaintiff in possession of 50 trees leased to defendant subsequent to April 28, 1911? ”

A preliminary objection was taken that there was no appeal in the case, as it was barred by section 13 of Ordinance No. 12 of 1895. In my opinion section 77 of the Courts Ordinance makes it clear that an interest in land is not intended to fall within the words “ debt, damage, or demand,” and the form of issues was such as to raise the question of an interest in land. I therefore held that there was an appeal in this case.

His Lordship then discussed the facts.

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