

evidence and to decide what value and importance should be attached to it, than the Commissioner who heard the case. He both saw the demeanour of and heard the witnesses, an advantage which I have not had. In such circumstances, so long as there is evidence before him upon which he could reasonably come to the conclusion which he has, and which I myself might have done if I had heard the evidence, I should feel justified in confirming his opinion, just as much as if a case of conflicting evidence were to come up on appeal, a Court of Appeal would not upset the trial Court's finding on questions of fact so long as there was sufficient evidence upon which the trial Court could reasonably come to the decision arrived at.

In the present case there is ample evidence upon which the Commissioner can base his opinion, and I therefore confirm the same, and order decree nisi not to be made absolute till after the expiration of three months from date hereof.

1925

ODIN
AMICHAND
v.
SURAJI
AND
ALIRAJA.

[CIVIL JURISDICTION.]

[ACTION NO. 14, 1925.]

1925.
May 22.

In the matter of the application of Robert Lepper for registration of title of land by adverse possession.

Real Property Ordinance 1876—adverse possession—tenants in common—no survivorship—section 24 of the Real Property Ordinance—possession of one tenant in common not deemed to be the possession of persons entitled to the other share or shares of the land, see 3 and 4 Will. 4 C. 27, s. 12. Indefeasible owner—title of—subject to challenge on the ground of adverse possession for the prescriptive period under section 14 of the Real Property Ordinance.

Held, title by adverse possession can be acquired against a registered title, cf. *Belize Estate and Produce Company v. Quilter*, A.C. 1897, p. 367; see also a note on section 14 in Hogg's Empire Digest, p. 87.

Sir ALFRED YOUNG, C.J.

(No written decision.)
