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The Appeal Court Reports, 1909, Vol. 5 (Classic Reprint) Ceylon; High Court of Appeal, 2015-07-10 Excerpt from The Appeal Court Reports 1909 Vol 5 Partition action Interlocutory decree When it should be made Power of Court to amend An interlocutory decree in a partition action ought to be made after such investigation of title as the Court thinks sufficient and in any case it ought not to be made upon a mere agreement of the parties to the action as to the shares which they will take Then further investigation takes place and as a result the Court has power to confirm the interlocutory decree or to vary it or to make a wholly different Order Balasingham for appellant Judgment Hutchinson C J This is a partition action in which the then District Judge Mr Sanders on the 1st of June 1908 made an interlocutory decree for partition of the land between the plaintiff and the defendant The only investigation of title that was made before that decree was the evidence given by the

plaintiff but that evidence alone does not appear sufficient to warrant the order The appellant who is the 1st defendant then applied to the District Court to set aside the interlocutory decree The application was made to Mr Sanders successor in office Mr Thaine He held that he had no power to set the interlocutory decree aside I think that he had power to do so About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books Find more at www.forgottenbooks.com This book is a reproduction of an important historical work Forgotten Books uses state of the art technology to digitally reconstruct the work preserving the original format whilst repairing imperfections present in the aged copy In rare cases an imperfection in the original such as a blemish or missing page may be replicated in our edition We do however repair the vast majority of imperfections successfully any imperfections that remain are intentionally left to preserve the state of such historical works

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