

BEAUTYMAN

v.

MANUBHAI SHIVABHAI PATEL

[SUPREME COURT, 1963 (Knox-Mawer Ag. P.J.), 11th October, 1st November]

Appellate Jurisdiction

Costs—appeal under s. 13, Townships Ordinance (Cap. 79)—Magistrates' Courts Rules, Appendix C, Order 1 r. 5.

There being no scale of costs prescribed for appeals brought under section 13 of the Townships Ordinance it is for the Magistrate to order such costs as he thinks proper. There is no objection to the scales laid down by Appendix C, Magistrates' Courts Rules, being utilized.

Appeal against magisterial ruling as to costs.

Mishra for the appellant.

Patel for the respondent.

KNOX-MAWER Ag. P.J. [1st November, 1963]—

Under section 13 (1), Townships Ordinance (Cap. 79) the respondent appealed to the Magistrate's Court of the First Class, Ba, against a rating valuation. This appeal was dismissed. The learned Magistrate ordered that the appellant's costs be taxed on the lowest scale as set out in Appendix C (0.1 r. 5) to the Magistrates' Courts Rules (1955 Laws, Volume V p. 3070).

There is in fact no scale of costs prescribed for appeals brought under section 13 of the Townships Ordinance. It is therefore for the trial Magistrate to order such costs as he thinks proper. While, however, the scales laid down by Appendix C (*supra*) have no direct application to rating appeals, I can see no objection to their being used as a guide. In proper exercise of his discretion as to costs, the learned Magistrate has, in effect, decided that the lowest scale in Appendix C provides an appropriate level for costs in this particular case. I can see no reason to interfere with his decision, and the appeal against it is accordingly dismissed. The respondent is awarded his costs on this appeal.

Appeal dismissed

Solicitors for the appellant: *Mishra and Co.*

Solicitor for the respondent: *R. D. Patel.*