

(1912) 02 AHC CK 0021

Allahabad High Court

Case No: None

Sri Narain Singh and Others

APPELLANT

Vs

Ram Kumar Singh and Others

RESPONDENT

Date of Decision: Feb. 20, 1912

Acts Referred:

- North Western Provinces Tenancy Act, 1901 - Section 195
- Pargana of Kaswar Raj Act, 1911 - Section 6, 9

Citation: 14 Ind. Cas. 123

Hon'ble Judges: Tudball, J; Karamat Husain, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. This is a reference by the learned District Judge of Benares u/s 195 of the Agra Tenancy Act. The facts are briefly these. After the constitution of the Benares Raj, His Highness the Maharaja of Benares u/s 4 of the Pargana of Kaswar Raj Act of 1911, which came into force on the 25th of February 1911, brought a suit for arrears of rent on the 23rd of June 1911 in the Court of the Assistant Collector first class. From the decision of the Assistant Collector, an appeal was preferred to the learned District Judge. In his opinion, it is doubtful whether he has or has not jurisdiction to entertain the appeal, and his doubts are based upon the provisions of Sections 6 and 9 of the Pargana of Kaswar Raj Act. There can be no doubt that under the provisions of that Act, the learned District Judge had jurisdiction to decide the appeal for the simple reason that the suit was instituted by the Maharaja u/s 4 of that Act after the Act had come into force. It is also to be noted that the case is not one which can be referred to this Court u/s 195 of the Agra Tenancy Act inasmuch as that section deals with the cases in which there is a doubt whether the Revenue or the Civil Court has jurisdiction, and in the case before us there is no such question.

Let the record be returned.