

(1877) 07 AHC CK 0006

Allahabad High Court

Case No: None

Bhagwan Singh and
Another

APPELLANT

Vs

Murli Singh and
Another

RESPONDENT

Date of Decision: July 27, 1877

Citation: (1875) ILR (All) 459

Hon'ble Judges: Spankie, J; Pearson, J

Bench: Division Bench

Judgement

Spankie, J.

We understand that the share of the defendants is expressed in bighas of which they are in possession and which they cultivate. These they have mortgaged to the plaintiffs, covenanting to give possession of the same for the purpose of cultivation and the payment of Government revenue. They can redeem the land in any year in Jaith. Section 7 of the Rent Act does not appear to apply to this case. The defendants have not lost or parted with their proprietary rights, attached to which is a certain proportion of sir land, of which they might claim, u/s 7 of Act XVIII of 1873, a right of occupancy as exproprietary tenants. The section not only contemplates something more than a mere temporary transfer of proprietary rights, but in the particular case before us the lands in the occupation of the share-holders are the measure of each man's share, and the lands of the defendants are the subject of the mortgage. The plaintiffs are entitled to a decree as claimed.