

Binod Kumar Ray Chaudhury and Others Vs Ram Kishore Mistry and Others

Court: Calcutta High Court

Date of Decision: July 29, 1925

Citation: 91 Ind. Cas. 686

Hon'ble Judges: Ewart Greaves, J; Cuming, J

Bench: Division Bench

Judgement

Ewart Greaves, J.

1. Operation, has not passed into their possession, I think that this appeal must succeed and that the learned Subordinate Judge was not justified in

holding as he has done that there must be a total suspension of rent.

2. We accordingly set aside the decree of the learned Subordinate Judge but there are other questions to which the learned Subordinate Judge

refers in his judgment and a decision of which is necessary before the plaintiffs' claim for rent can succeed. We accordingly send back matter to

the learned Subordinate Judge in order that he may dispose of the other questions referred to in his judgment which were left open by him at the

time the case was before him. The learned Subordinate Judge and after deciding these questions he will finally dispose of the appeal.

3. We think that the plaintiffs who have succeeded here are entitled to the costs of this appeal. The other costs including the costs of the further

hearing before the learned Subordinate Judge will abide the result.

Cuming, J.

4. I agree