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(1911) 11 CAL CK 0001

Calcutta High Court

Case No: None

Dukhimoni Dasi — APPELLANT

Vs

Tulsi Charan — RESPONDENT

Date of Decision: Nov. 24, 1911

Acts Referred:

- Evidence Act, 1872 - Section 116

Citation: 13 Ind. Cas. 512

Hon'ble Judges: Lawrence Jenkins, C.J; N. Chatterjea, J

Bench: Division Bench

Judgement

Lawrence Jenkins, C.J.
Having regard to Section 116 of the Evidence Act the defendant cannot be permitted to deny that the plaintiff had a title to the possession of the land at a time when the license was given to enter into possession. In the circumstances a suit for use and occupation would lie. There is no question as to the amount due on that basis; it is Rs. 40 and there will be a decree for that amount with costs. The plaintiff will have the costs of the Rule which is made absolute. We assess the hearing fee at one gold mohur.