

**(1903) 04 CAL CK 0001****Calcutta High Court****Case No:** Appeal from Appellate Decree No. 703 of 1901

Ram Mohan Mohish

APPELLANT

Vs

Badan Barai and Others

RESPONDENT

**Date of Decision:** April 23, 1903**Final Decision:** Dismissed**Judgement**

Mitra, J.

This is an appeal in a suit for rent valued at less than Rs. 100 and the decree in this case does not decide any question relating to title to land or to any interest in land as between parties having conflicting claims thereto. The suit has been finally decided by the judgment of the District Judge. The question was one between a raiyat and a tenure-holder, the raiyat setting up the title of the superior tenure-holder who was not a party to the suit. Under sec. 153 of the Bengal Tenancy Act no second appeal lies. But apart from that, there is no substance in the Appellant's contention as to the merits of the appeal. The first Court exercised a discretion as to whether further processes should be issued against a witness and on appeal the District Judge thought that the discretion had been properly exercised. In second appeal it would be difficult to question the discretion of two Courts so as to warrant interference.

2. The appeal is, therefore, dismissed with costs.