

(1918) 06 CAL CK 0007

Calcutta High Court

Case No: None

Amar Chandra and Others

APPELLANT

Vs

Srimati Noor Khatun and Others

RESPONDENT

Date of Decision: June 20, 1918

Citation: 47 Ind. Cas. 777

Hon'ble Judges: Panton, J; Fletcher, J

Bench: Division Bench

Judgement

1. The only question raised in this appeal is this: whether the plaintiff is entitled to evict the actual cultivators who are the defendants Nos. 2, 3, 5, 6, 7, 8, 9, 14 and 15. It is found that the alleged taluqdars and the durtaluqtlars have no interest in the property. The actual cultivators claim possession under an alleged settlement from the alleged durtaluqdars. The decisions of this Court show that the actual cultivator who honestly and bona fide believed that the person who settled him on the land had a right to settle him may, after a period" of year? acquire a right in the land as a raiyat. The learned Judge of the lower Appellate Court in the present case has made no finding as to whether these cultivators defendants bona fide believed that the alleged durtaluqdars had the right to settle them on the land of which they took settlement. The decree of the lower Appellate Court is accordingly set aside as regards the cultivating defendants, namely, the defendants Nos. 2, 3, 5, 6, 7, 8, 9, 11 and 15 if, and the case is sent back to that Court to have the question determined as to the belief of the said actual cultivators as stated above." Costs of this appeal will abide the result of the further hearing by the learned Subordinate Judge as directed.