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(1869) 06 CAL CK 0006

Calcutta High Court

Case No: Special Appeal No. 3325 of 1868

Srimati Thakomani Debi	APPELLANT
Vs	
Srimati Saudamini Dasi	RESPONDENT

Date of Decision: June 28, 1869

Judgement

L.S. Jackson, J.
This case is very clear. The plaintiff alleges that she had paid the rent to the zamindar''s gomasta or agent. Subsequently a suit was brought against her by the zamindar, and she was compelled to pay over again the rent which she had already paid. The present suit is, in fact, to recover, by decree of the Civil Court, the money which she has had to pay under the Revenue Court''s decree. It seems to me that the decision of the Munsiff, who held that the suit could not lie, is quite correct. The Principal Sadder Ameen was wrong in thinking that the suit was cognizable in the Civil Court, and I think, also, that the precedent, Gocool Chander v. Ali Mahomed 10 W.R. 7, referred to by him, is quite inapplicable. It relates to a different subject. I think, therefore, that the decision of the Subordinate Judge must be set aside, and that of the Munsiff restored with costs.

Markby, J.

I am of the same opinion.