

(1869) 06 CAL CK 0007

Calcutta High Court**Case No:** Special Appeal No. 410 of 1869

Rani Swarnamayi

APPELLANT

Vs

Gauri Prasad Das

RESPONDENT

Date of Decision: June 30, 1869

Judgement

Norman, J.

This is a suit for rent of 8040 bigas of land at enhanced rates. The case was remanded to the first Court to try, what would be a fair and equitable rate for a tenant in the position of the defendant. We are of opinion that the decision of the Judge is perfectly correct, and proceeds on principles of good sense. In the first place he allows to the defendant who occupies a large area of land, and who is in point of fact very much in the position of a talookdar, a deduction of 15 per cent. from the gross rents which cultivating ryots would pay. He computes this by allowing 8 per cent. for collection charges, and 6 per cent. for profits. If the case had rested there, we should have thought that 6 per cent. would not be enough to enable a man to live comfortably, and to provide against bad seasons and bad tenants. It appears however that the defendant does actually realize for bastu and other lands rates larger than those that have been allowed in the estimate, and therefore under the circumstances of this particular case we cannot say that in this case 15 per cent. is not a fair allowance.

2. The defendant also claimed under a custom locally known as "Bishun kancha," a deduction of 2 katas per biga for certain lands called "dokundah," lands, that is lands bearing two crops in the year, as it is necessary that some of these lands must be left uncultivated for seed-beds. On these grounds we affirm the decree of the lower appellate Court, and dismiss this appeal with costs.