

(1870) 03 CAL CK 0002

Calcutta High Court

Case No: Reference No. 4 of 1870

Gopal Chandra Biswas

APPELLANT

Vs

Ramjan Sirdar and
Another

RESPONDENT

Date of Decision: March 9, 1870

Judgement

L.S. Jackson, J.

In answer to the question put by the Small Cause Court at Kishnagur, I think it clear that growing crops come within the category of immoveable property, and not within that of moveable property, and that the Small Cause Court should follow the decisions which the Judge has himself cited. In further support of the view taken in this decision, I may refer to the language of Act I of 1868, otherwise called the General Clauses Act of 1868, which declares in the 5th clause of section 2 that "immoveable property," in all the Acts made by the Governor-General in Council, after this Act came into operation, shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to any "thing attached to the earth;" and in the 6th clause, it is stated that "moveable property shall mean property of every description, except immoveable property." This view is not affected by the fact that, for the purposes of the Registration Act, the Legislature has dealt with growing crops as though they constituted moveable property.