(1869) 03 CAL CK 0006

Calcutta High Court

Case No: Special Appeal No. 2280 of 1868

Khub Lal — APPELLANT

Vs

Ghina Hazari and Others — RESPONDENT

Date of Decision: March 20, 1869

Judgement

Norman, J.

We are of opinion that the decision of the lower Court is perfectly correct. It seems to us that, when No. 3148 had completely formed, and more particularly after it had been assessed and settled as a separate estate with a separate jumma, as provided for by Section 1,* Act XXXI of 1858, it became for all purposes a distinct estate, and was capable of being sold, or otherwise dealt with as such by the owner of the estate to which it had originally accreted; that, when Ramlal sold the original estate without any words, showing that he meant to convey the new estate or any right in it to the purchaser, the purchaser of the original estate acquired no more interest in the new estate than he did in any fruit or profit which had been produced by that estate before the date of his purchase. So much for the plaintiff''s supposed title. As to the title of the defendant, we think it is clear that, by the conveyance of all the rights and interests of Ramlal in the new estate 3148, he, as purchaser, acquired, not only the rights and interests of Ramlal under the temporary settlement, but his right to ask for and obtain the permanent settlement after the expiration of the temporary settlement. In our opinion the appellant''s claim is without the slightest foundation, either in law or justice, and we would dismiss the appeal with costs.

*

<table>
<tr>
<td>In what case the Revenue assessed upon alluvial land may be added to the jumma of the original estate.</td>
<td rowspan="3">Sec. 1:--When land added by alluvial accession to an estate paying Revenue to Government becomes liable to assessment, if it be go agreed on between the Revenue authorities and the proprietor or proprietors, the Revenue assessed upon the alluvial land may be added to the jumma of the original estate; and in such case a new engagement shall be executed for the payment of the aggregate amount, and that amount shall be substituted in the Collector''s rent-roll for the former jumma of the original estate. If the proprietor or proprietors object to such an arrangement, or if the Revenue authorities are of opinion that a settlement of the alluvial land cannot properly be made for the same term as the existing settlement of the original estate, the alluvial land shall be assessed and settled as a separate estate with a separate jumma, and shall thenceforward be regarded and treated as in all respects separate from and independent of the original estate, whether the separate settlement be made with the proprietor or proprietors, or the land be let in farm in consequence of the refusal of the proprietor or proprietors to accept the terms of settlement. The separate settlement may be permanent, if the settlement of the original estate is permanent.</td>
</tr>
<tr>
<td>In what cases there shall be a separate settlement.</td>
</tr>
<tr>
<td></td>
</tr>
</table>