

(1879) 03 CAL CK 0008

Calcutta High Court

Case No: None

Afatoolla Sirdar

APPELLANT

Vs

Dwarka Nath Moitry
and Others

RESPONDENT

Date of Decision: March 24, 1879

Citation: (1879) ILR (Cal) 814

Hon'ble Judges: McDonell, J; Jackson, J

Bench: Division Bench

Judgement

Jackson, J.

It is not stated that evidence was given of any special custom in this point.

2. The sale of the tenure would apparently pass all that was growing upon the land, unless the growing crops were excepted by the notification of sale, or else a custom was proved that the outgoing ryot should have the crops, subject to a payment for use and occupation of the land while they remained on the ground. If such a custom with tender of the proper amount was proved, the plaintiff might be entitled to recover, but otherwise he would not appear to have laid the foundation for a claim of damages, as the defendant merely cut down crops growing on his own land.