

Banko Behary Das and Another Vs Krishna Chandra Bhowmick and Others

Court: Calcutta High Court

Date of Decision: May 26, 1913

Final Decision: Dismissed

Judgement

Jenkins, C.J.

This litigation turns upon the meaning to be attributed to the word "plantation" in sec. 160, cl. (c) of the Bengal Tenancy Act.

The word is one of wide significance and would include an assemblage of growing plants of any kind that have been planted. The policy of the

section is obvious and as to whether or not a particular assemblage of plants comes within this must be largely, if not exclusively, a question of fact,

and it appears to us that we cannot on the materials before us say that the lower Court of Appeal was in error when it determined that that with

which we are concerned in this case was a ""plantation"" within the meaning of sec. 160. We must accordingly dismiss the Appeal with costs.