

(1913) 05 CAL CK 0026

Calcutta High Court

Case No: Letters Patent Appeal No. 45 of 1911

Banko Behary Das and Another

APPELLANT

Vs

Krishna Chandra Bhowmick and
Others

RESPONDENT

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.