

(1918) 07 CAL CK 0030

Calcutta High Court

Case No: None

Monohar Mukherjee

APPELLANT

Vs

Kali Das Nandi and Others

RESPONDENT

Date of Decision: July 1, 1918

Citation: 47 Ind. Cas. 840

Hon'ble Judges: Walmsley, J; Panton, J

Bench: Division Bench

Judgement

Walmsley, J.

The suit out of which this appeal arises was brought by the plaintiff against his putnidars for a declaration that he was entitled to khas possession of some chakran lands which had been resumed or, in the alternative, for a declaration that the putnidars must pay him rent at the rate of Rs. 3 per bigha. Both the lower Courts dismissed the plaintiff's claim for khas possession, and with regard to his claim for rent, they limited him to the sum which the Zemindar had to pay to the chowkidari fund and cesses. The plaintiff has preferred an appeal to this Court. So far as his original prayer for khas possession is concerned, the case of Ranjit Singh v. Kali Dasi Debi 40 Ind. Cas. 981 : 21 C.W.N. 609 : 25 C.L.J.499 : 32 M.L.J. 565 : 15 A.L.J. 390 : 19 Bom. L.R. 462 : 2 P.L.W. 1 : (1917) M.W.N. 459 : 6 L.W. 101 44 841 : 22 M.L.T. 489 : 44 I.A. 117 (P.C) is conclusive against him. With regard to his other claim, the Courts below proceeded, first, on the wordings of the Pattahs granted to the putnidars and, secondly, on the fact that it was the putnidars who enjoyed the services of the chowkidars prior to the resumption. The Pattahs have been placed before us and the passages which relate to the matter of the chowkidari chakran lands and the contingency of resumption have been discussed in detail. It appears to me that the Courts below have put a right interpretation upon the words used in those Pattahs, and on that ground alone I think that the Zemindar's claim cannot be sustained. The farther fact that it was the putnidars who were enjoying the services of the chowkidars makes it even more impossible to allow the Zemindar more than has been awarded to him. On these grounds I think that the appeal should be dismissed

with costs.

Pantos, J.

2. I agree