

(1918) 01 CAL CK 0046**Calcutta High Court****Case No:** None

Manjanali Debi

APPELLANT

Vs

Kailash Nath Mitra, on his death
his heir and Legal
Representative Gour Sundar
Mitra and Others

RESPONDENT

Date of Decision: Jan. 10, 1918**Citation:** AIR 1919 Cal 523(2) : 44 Ind. Cas. 24**Hon'ble Judges:** Richardson, J; Beachcroft, J**Bench:** Division Bench**Judgement**

1. This appeal arises out of a suit brought by the original plaintiff (the appellant before us) for enhancement of rent of a certain holding. It appears that the tenancy was created by a pattah marked Exhibit A. According to that pattah it would seem that rent was fixed for the whole area within the boundaries specified, though that area may have been estimated at 40 bighas. If that is so, the plaintiff is not entitled to additional rent on account of excess area merely because the area within the boundaries is proved to be more or considerably more than 40 bighas. The question whether any land in respect of which additional rent is claimed lies outside the boundaries specified in the patth has apparently not been considered in the Courts below. If any part of the lands is outside the boundaries, the judgment leaves it open to the plaintiff in any future proceedings he may be advised to take to claim additional rent in respect thereof. With these observations the appeal is dismissed with costs.

2. We ought to add that this appeal only relates to the 3-annas 4-pies portion of the holding and does not affect the judgment of the Court below in respect of the 8 annas share of the holding, to which that judgment refers.