(1922) 03 CAL CK 0027

Calcutta High Court

Case No: None

Ram Golam Kalwar		APPELLANT
	Vs	
Gumti Shaw and Another		RESPONDENT

Date of Decision: March 10, 1922

Acts Referred:

- Calcutta Rent Act, 1920 - Section 2(e)

Citation: 69 Ind. Cas. 976

Hon'ble Judges: John Woodroffe, J; Ghose, J

Bench: Division Bench

Judgement

1. This is an application in respect of an order passed by the Rent Controller whose judgment is as follows:

As the two rooms are admittedly portions of huts standing on bastee land belonging to the superior landlords the provisions of the Act do not apply, as they are not premises according to the definition of the Rent Act. " He, therefore, dismissed the applicant"s application for fixing a standard rent.

2. It appears to me that his decision is clearly justifiable by the terms of the definition of the word " premises" in Section 2 (e) of the Act, which means any building or part of a building or hut let separately foe residential, charitable, educational or public purposes, or for the purposes of a shop or an office including any land appertaining there to and let therewith.

3. Now, it cannot be contended that if those words are taken according to their literal meaning as they stand, the decision of Rent Controller is incorrect. But the argument before us is this, that when the section says, " premises " means any building or part of a building or hut, what it really means is a building or part of a building or a hut or part of a hut; but these words part of a hut " are not in the definition itself. Farther, the contention is that the word building " must include a

hut, which, in my opinion, is negatived by the definition, because, this definition speaks of a building or a hut. Therefore, in referring to a building it refers to one thing and in referring to a hut, it refers to another thing. Therefore, the words cannot be considered to have been used for one and the same thing.