

**Company:** Sol Infotech Pvt. Ltd. **Website:** www.courtkutchehry.com

**Printed For:** 

**Date:** 01/11/2025

82 Ind. Cas. 829

**Calcutta High Court** 

Case No: None

Bharat Chandra Dhupi APPELLANT

Vs

Hari Krishna Patari and

Another

Date of Decision: May 19, 1924

**Acts Referred:** 

Bengal Tenancy Act, 1885 â€" Section 153

Citation: 82 Ind. Cas. 829

Hon'ble Judges: William Ewart Greaves, J; Chakravarti, J

Bench: Division Bench

## **Judgement**

## Greaves, J.

This is an appeal by the defendant against a decision of the District Judge of Noakhali reversing a decision of the Munsif. The

suit out of which this appeal arises was brought to recover rent from the defendant. The suit was valued at Rs. 79-13 annas.

2. A preliminary objection was taken before us that having regard to the provisions of Section 153 of the Bengal Tenancy Act no appeal lies as the

value is below Rs. 100. It was urged before us on behalf of the appellant that the preliminary objection is not well founded and we have been

referred to the case of Sudhanya Santra v. Basanta Kumar Sirkar 64 Ind. Cas. 733 : 49 C. 538 : 26 C.W.N. 96 : 34 C.L.J.579 ; AIR (1922)

(C.) 417 as an answer to the preliminary objection. It seems to us that the case does not help the appellant. Section 153 is clearly a bar to the

present appeal unless it can be shown that a question arose in the suit as to the amount of rent. We cannot find that this was so, for a reference to

the issues raised in the First Court shows that the only issues raised were (1) whether the suits were bad for defects of parties and (2) whether

certain pleas of payments were true. Consequently there was no question raised as to the amount of rent as was raised in the decision in Sudhanya

Santra v. Basanta Kumar Sirkar 64 Ind. Cas. 733 : 49 C. 538 : 26 C.W.N. 96 : 34 C.L.J.579 ; AIR (1922) (C.) 417 nor was such a question

decided in the suit.

3. In the circumstances the preliminary objection must prevail and the appeal fails and must be dismissed with costs.

Chakravarti, J.

4. I agree.