

(1927) 08 CAL CK 0018**Calcutta High Court****Case No:** None

Krishnadhan Sardar and Others

APPELLANT

Vs

Sital Parui and Others

RESPONDENT

Date of Decision: Aug. 9, 1927**Citation:** 115 Ind. Cas. 605**Hon'ble Judges:** Roy, J; Arthur Herbert Cuming, J**Bench:** Division Bench**Judgement**

Roy, J.

A preliminary point has been taken in this second appeal. The lower Appellate Court decreed the plaintiffs suit and directed khas possession to be given to the plaintiffs as against the defendants who were under-tenants on the land. Both the Courts have come to the finding that the defendants are under-tenants on the land. One of the defendants preferred this appeal. He died and his heirs were substituted soon after his death. On behalf of the plaintiffs the contention put forward is that the tenancy being an under raiyati the heirs have not inherited anything against the landlords. The learned Vakil for the appellants contends that they should be allowed to continue the appeal. It is not a question of continuing the appeal but the question is whether they have a right to maintain this appeal not having inherited any right from their father as against the landlord. The substituted appellants have no right to maintain this appeal, and that being so the appeal is dismissed with costs.

Arthur Herbert Cuming, J.

2. I agree the appeal should be dismissed.