

## Krishnadhan Sardar and Others Vs Sital Parui and Others

**Court:** Calcutta High Court

**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.