

**(1909) 12 CAL CK 0038**

**Calcutta High Court**

**Case No:** None

Haji Shah Momtaz Hussain and  
Another

APPELLANT

Vs

Raghu Nandan Sahu and Others

RESPONDENT

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**Date of Decision:** Dec. 6, 1909

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### **Judgement**

1. No one appearing to oppose this rule, it must be made absolute. The question is whether the landlord can, in one application u/s 91 of the Bengal Tenancy Act, include the lands of more than one tenant and apply for an order from the Civil Court against several tenants under that section. The learned Subordinate Judge has held that there must be a separate application in the case of each tenant. We do not think that that view is correct, nor does it seem to, be what the law actually contemplates. The mere fact that in the section the word "tenant" is used in the singular and-not "tenants" in the plural does not seem to us, having regard to the provisions of the General Clauses Act, to be sufficient to justify the conclusion that, under the section, it was only intended that the landlord should make the application against one tenant. Manifestly it would, be most inconvenient and expensive to do so, and we are inclined to think, from the provision of Section 92 of the Bengal Tenancy Act, that it is clear that the intention of the Legislature was, that such an Application could be made with reference to the several tenants having holdings in the land which the zemindar desires to measure. The result, therefore, is that we make the rule absolute. We make no order as to costs.

2. We further direct that the application be returned to the Subordinate Judge with direction to proceed in accordance with law.