

(1925) 12 CAL CK 0058**Calcutta High Court****Case No:** None

Rajendra Nath (Kumar) Das

APPELLANT

Vs

Peyari Mohan Das and Others

RESPONDENT

Date of Decision: Dec. 3, 1925**Citation:** 94 Ind. Cas. 321**Hon'ble Judges:** Cuming, J; B.B. Ghose, J**Bench:** Division Bench**Judgement**

B.B. Ghose, J.

This appeal arises out of a suit for recovery of khas possession of a certain land on the ground that the plaintiff as the reversioner of one Rup Chand Das who died many years ago. Rup Chand left a widow Haramani and a daughter. The daughter was married to one Mahima Chandra who lived in the house as ghar jawai. Mahima had a daughter born and brought up in the house of Haramani. She was married to defendant No. 1. It is said that the land in possession of defendant No. 1 was granted under a permanent lease to him by Haramani. The finding is that defendant No. 1 was given a lease of these properties in consideration of his looking after Haramani who had no male relation to look after her or her property. For that consideration defendant No. 1 married her grand-daughter and lived in the house as ghar jawai. The learned, Judge held that that was good legal necessity. I see no reason to differ from him.

2. On that ground the appeal with regard to the properties in the possession of defendant No. 1 must be dismissed with costs.

3. The plaintiff got a decree as against defendant No. 3 in both the Courts below which was not challenged.

Cuiming, J.

4. I agree.