
(1925) 12 CAL CK 0060

Calcutta High Court

Case No: None

Siataj Shaikh and Others

APPELLANT

Vs

Bishnudas Dhar and Others

RESPONDENT

Date of Decision: Dec. 3, 1925

Citation: 94 Ind. Cas. 400

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 rent which has been decreed by both the Courts below.

2. The only point argued is that the tenants defendants having transferred their holding and the landlords having presented a plaint previously for possession of the land as against the transferee is precluded from suing the defendants for the rent of the land. The suit of the landlords as against the transferee was not proceeded with and it came to nothing. It is contended that the presentation of the plaint ought to be taken as acceptance of the abandonment of the holding by the recorded tenants, that is, the defendants in the suit. That can hardly be accepted as a correct proposition of law. The landlord is not bound to accept any person as a tenant other than his recorded tenant and he is entitled to bring a suit for rent and obtain a decree as against the recorded tenant.

3. The appeal must, therefore, be dismissed with costs.

Cuming, J.

4. I agree.