

**(1887) 04 CAL CK 0001**  
**In the Calcutta High Court**

Abdul Aziz Khan

APPELLANT

Vs

Ahmed Ali

RESPONDENT

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**Date of Decision :** 15-04-1887

**Acts Referred:**

**Citation :** (1887) ILR (Cal) 795

**Hon'ble Judges :** Wilson, J;Tottenham, J;Prinsep, J;Norris, J;Mitter, J

**Bench :** Full Bench

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## **Judgement**

1. This is a suit for recovery of rent at an enhanced rate after service of notice. The finding of the lower Courts is that the holding, in respect of which the enhanced rent is claimed had, before the institution of the present suit, been transferred by the defendant to a third party who is not a party to it, and that such transfer without the previous sanction of the plaintiff, the landlord, is valid.

2. The main object of a suit for enhancement is to have the contract between the landlord and tenant as regards the rate of rent re-adjusted. The law allows this re-adjustment in certain cases. In this case the plaintiff, as found by the lower Courts, was fully aware that the holding is now the property of a third party and not of the defendant. That being so, a suit for enhancement of rent will not lie against the defendant who has now no connection with the holding. We, therefore, dismiss the appeal with costs of both hearings.