

(1919) 05 CAL CK 0034
In the Calcutta High Court

Ananda Chandra Pal

APPELLANT

Vs

Srimati Asrab Bhanu and Others

RESPONDENT

Date of Decision : 26-05-1919

Acts Referred:

Citation : AIR 1919 Cal 369(1) : 51 Ind. Cas. 852

Hon'ble Judges : N.R. Chatterjea, J; Duval, J

Bench : Division Bench

Judgement

1. It is found that the holding sought to be attached and sold in execution of the decree for money is not transferable.
2. It is contended, however, that the judgment-debtor set up a distinction between kaimi raiyati and ordinary raiyati and it was the case of the judgment-debtor that the holding was not kaimi raiyati. Kaimi raiyati does not necessarily import fixity of rent, and the mere fact that the distinction was set up by the judgment debtor between kaimi raiyati and ordinary raiyati cannot estop him from showing that his holding was merely an ordinary occupancy holding. The Judge has taken into consideration the fact of the previous transfer and the statements contained in the deeds of sale, and has come to the conclusion that the holding is non transferable.
3. The appeal must accordingly be dismissed with costs, one gold mohur.