

(1909) 06 CAL CK 0066
In the Calcutta High Court

Ananda Chandra Roy

APPELLANT

Vs

Makram Ali and Another

RESPONDENT

Date of Decision : 03-06-1909

Acts Referred:

Bengal Tenancy Act, 1885 — Section 48

Citation : 3 Ind. Cas. 204

Hon'ble Judges : Lawrence Jenkins, C.J.; Mookerjee, J

Bench : Division Bench

Judgement

1. On the facts of this case it is, we think, clear that the under-raiyat, who is the defendant, had a right to pay his rent in the form of a money-rent, and the suit is framed for the purpose of recovering from him the money rent. The rights of the parties in relation to the recovery of that rent must be determined by reference to Section 48 of the Bengal Tenancy Act, and the limit imposed by that section must be observed. And so without entering into the question as to whether the words "holding at a money rent" is one descriptive of that landlord or the under-tenant, we think there is sufficient in the facts of this case as found to enable us to uphold the decision under appeal. We, therefore, dismiss the appeal with costs.