

(1887) 07 CAL CK 0010
In the Calcutta High Court

Fazel Ali Chowdhry and Others

APPELLANT

Vs

Abdul Mozid Chowdhry and Others

RESPONDENT

Date of Decision : 18-07-1887

Acts Referred:

Bengal Tenancy Act, 1885 — Section 93

Citation : (1887) ILR (Cal) 659

Hon'ble Judges : W. Comer Petheram, C.J.; Ghose, J

Bench : Division Bench

Judgement

W. Comer Petheram and Ghose, JJ.—We think that the questions submitted by the Judge should be answered as follows:

(1) There need not be as many applications as there are estates or tenures mentioned in the application. But in the circumstances as disclosed in the reference it would be necessary for the Judge to call upon the applicants to state whether all of them are entitled in common to the various estates and tenures mentioned in the application ; and if not to divide themselves into as many groups as there may be properties held by them in common. In this latter case it would be necessary that each group of shareholders should put in separate applications.

(2) If such separate applications have to be put in and not otherwise, separate Court-fees should be levied upon each application.

(3) The notice in the case of tenures will be as provided by Section 93 of the Bengal Tenancy Act; it will be of the same character and to the same effect as in the case of estates.