

(1891) 03 CAL CK 0008
In the Calcutta High Court

Haji Syed Mahomed Ali Khan

APPELLANT

Vs

Mackenzie and Another

RESPONDENT

Date of Decision : 24-03-1891

Acts Referred:

Citation : (1892) ILR (Cal) 1

Hon'ble Judges : W. Comer Petheram, J; Pigot, J; O'Kinealy, J; Macpherson, J; Ghose, J

Bench : Full Bench

Judgement

Petheram C.J., Pigot, O'Kinealy, Macpherson and Ghose, JJ.—This was a suit for arrears of rent due on account of the years 1291, 1292, and 1293 in respect of a mouzah called Sultanpur. The suit was brought on a registered kabuliut.

2. The learned Judges who heard the appeal made to this Court have referred to us for decision the following question: Whether suits for rent, founded on registered contracts in respect of lands subject to the provisions of the Tenancy Act, are governed by the limitation provided in that Act.

3. We think the question must be answered in the affirmative. By Section 184 of the Rent Act, all suits for arrears of rent must be instituted within the time prescribed in Schedule III of that Act, and that in a suit for rent is declared to be three years. We think that this suit is governed by that Act, and the limitation is three years.