
(1916) 07 CAL CK 0016
In the Calcutta High Court

Kumar Prafulla Krishna Deb and Others	APPELLANT
Vs	
Nosibannessa Bibi and Others	RESPONDENT

Date of Decision : 12-07-1916

Acts Referred:

Bengal Tenancy Act, 1885 — Section 153

Citation : 37 Ind. Cas. 425

Hon'ble Judges : Lancelot Sanderson, C.J.; Walmsley, J; Teunon, J; Fletcher, J; Chitty, J; Chaudhuri, J; Asutosh Mookerjee, J

Bench : Full Bench

Judgement

Sanderson, C.J.—This is a matter which has been referred to us by Mr. Justice N. R. Chatterjea and Mr. Justice Richardson before whom the appeal came.

2. In our opinion there was no right of appeal to those learned Judges for the reason that the order from which the appeal was filed was an order in a suit instituted by a landlord for the recovery of rent. The order was passed by a District Judge, and the amount claimed in the suit did not exceed Rs. 100 and the order did not decide any question which related to title to land or some interest in land as between parties having conflicting claims thereto or to any of the matters specifically referred to in Section 153 of the Bengal Tenancy Act. Under these circumstances we are of opinion that no appeal lay from the order of the District Judge to the High Court. If this matter had been brought to the notice of the two learned Judges no doubt, they would not have sent this matter by way of reference to us. As a matter of fact only one of the parties was represented before them, and no doubt, through that, this point was not noticed by the two learned Judges.

3. The matter having been referred to us, it is now our duty in view of the opinion which we hold, to dismiss the appeal.