

**(1878) 07 CAL CK 0008**  
**In the Calcutta High Court**

Kumood Narain Bhoop

APPELLANT

Vs

Purna Chunder Roy

RESPONDENT

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**Date of Decision :** 25-07-1878

**Acts Referred:**

**Citation :** (1879) ILR (Cal) 547

**Hon'ble Judges :** Tottenham, J; Jackson, J

**Bench :** Division Bench

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### Judgement

Jackson, J.—Now I apprehend that, where the state of jurisdiction established by Act X of 1859 is still in force, nothing can be clearer than this, that the jurisdiction of the Civil Courts can only be ousted in cases where the subject of dispute and the parties are exclusively such as are annexed to the jurisdiction of the Revenue Courts under that Act.

2. Therefore, in order to make the suit cognizable u/s 24 of Act X of 1859, it would have to be shown that the suit was one by a zamindar, or other person in the receipt of rent, against an agent employed by him in the management of land or collection of rents, for money received in the course of such employment, or for papers in his possession, and the course of action must include nothing else, or, at least, not any other subject not cognizable by the Revenue Courts.

3. By Section 23 of the same Act, el. 6, it is provided that all suits to recover the occupancy or possession of any land, farm, or tenure, from which a ryot, farmer, or tenant has been illegally ejected by the person entitled to receive rent for the same, shall be cognizable by the Collectors of land-revenue and shall be instituted and tried under the provisions of this Act, and not otherwise. But, notwithstanding that, any suit in which a plaintiff impleaded another person besides the person entitled to receive rent for the same was always held to be cognizable by the Civil Courts, and not the Revenue Courts.

4. Therefore, when the suit in this case includes money received by the defendant, not as collections, but received directly from the hands of his

employer, there is no doubt that the suit does not come within the provisions of Section 24; nor is the defendant a person exclusively employed in the management of land or collection of rents. He was admitted, no doubt, to have been employed in collecting rents, making settlements, and doing other duties; and those duties very likely were part, and perhaps an important part, of the duties which he had to perform. But the dewan of a large landlord, such as the Raja of Bijni, has many other duties to perform; and if he performs duties of the kind mentioned, he does so in the way of general superintendence.

5. The allegation in this case was clear that the plaintiff had advanced Rs. 1,000 to the defendant. That clearly was not collections. It was money which had got into the hands of the master, and was by him entrusted to the defendant to be disbursed to his servants. In like manner, the money in the Oriental Bank, whatever its origin may have been, was so much cash at the disposal of the master.

6. Clearly, therefore, this was a suit of which certainly not the whole, and possibly not any part, was cognizable by the Revenue Court. It appears quite clear that it was properly brought in the Civil Court, and improperly dismissed for want of jurisdiction.

7. The judgments of the Courts below must be set aside and the suit must be tried upon its merits.