

(1921) 07 PAT CK 0008
In the Patna High Court

Malik Taharat Karim

APPELLANT

Vs

Musammat Bal Kuar and Others

RESPONDENT

Date of Decision : 18-07-1921

Acts Referred:

Citation : AIR 1921 Patna 351 : 64 Ind. Cas. 515

Hon'ble Judges : Macpherson, J; Coutts, J

Bench : Division Bench

Judgement

Coutts, J.—This appeal arises out of a suit for thika rent. The plaintiffs gave a thika lease of certain lands to defendant No. 5. The defendant No. 5, it has been found, was merely a farzidar of defendants Nos. 1 to 4 and the plaintiffs sued both defendants Nos. 1 to 4 and defendant No. 5 and were given a decree against defendants Nos. 1 to 4 only.

2. The only contentions in appeal are that the plaintiffs cannot sue defendants Nos. 1 to 4 unless they knew at the inception of the lease that the defendants Nos. 1 to 4 were the beneficial owners and the defendant No. 5 was merely the farzidar, or unless since the time of the granting of the lease the defendant No. 1 had got into possession of the property. No authority is shown to us in support of either of these contentions, and so far as I am aware, the law is clear that the plaintiffs may sue either the beneficial owners or the farzidar.

3. So far as the second proposition is concerned, the defendant No. 1 himself has admitted that the defendant No. 5 is merely a farzidar, who has been his agent throughout.

4. I see no reason to interfere with the decision of the learned Subordinate Judge and would dismiss this appeal with costs.

Macpherson, J.

5. I agree.