
(1891) 04 AHC CK 0010
In the Allahabad High Court
Case No : Second Appeal No. 946 of 1888

Mausuma Begam

APPELLANT

Vs

Mirza Anand Ram

RESPONDENT

Date of Decision : 24-04-1891

Acts Referred:

Citation : (1891) 04 AHC CK 0010

Final Decision : Allowed

Judgement

Sir John Edge, Kt., C.J. and Tyrrell, J.—This is an appeal by the Mah?r?ja of Vizianagram against so much of the decree of the District Judge of Gh?zipur, sitting as a Court of appeal in a rent suit as affected the Mah?r?ja. Musammam Mausuma Bibi brought her suit against Ilahi Bakhsh and another for rent alleged to be due by them to her for land which had been her sir land. The Maharaja was brought in under s. 148 of Act XII of 1881. The Collector decided the case in favour of the Mah?r?ja. The plaintiff appealed, making Ilahi Bakhsh, the other man, and the Maharaja respondents. The District Judge reversed the decision of the Collector, holding that the rent was payable to the plaintiff and decreed the whole costs of the suit and appeal to be borne by the Mah?r?ja. The appeal so far as the question between the plaintiff and her two alleged tenants was concerned lay to the District Judge. The question raised in this appeal is whether, so far as the Maharaja is concerned, the District Judge had jurisdiction to entertain the appeal. If he had not jurisdiction to entertain the appeal, he had no jurisdiction to decree the costs of the suit and appeal against the Mah?r?ja. There is a long current of rulings bearing on this question, some relating to the corresponding section of the former Act. The rulings do not appear to have been brought to the notice of the District Judge. We consider they are binding on us. We do not propose to discuss those rulings, all we need say is that we agree with them. The first of those is the case of Chotu v. Jitan I.L.R., 3 All. 63. The next is the case of Kishna Ram v. Hingu Lal I.L.R., 4 All. 237. Next is Madho Prasad v. Ambar I.L.R., 5 All. 503 and the case of Narain Das Vs. Gobind Ram, Also there is a case decided in 1866, viz., Musammam Thakoorayeen Bhagmanee Koonwar v. Syud

Farzand Ali and others N.W.P., H.C. Rep., 1866 R.C.A. 20. It appears to us that these cases are in point. Following these authorities, we allow this appeal with costs and set aside so much of the decree of the Court below as affects the Mahārāja of Vizianagram. We do not disturb the decree so far as it affects Ilahi Bhakhsh and Abdul Rahman.