
(1897) 04 AHC CK 0003
In the Allahabad High Court

Nanheju

APPELLANT

Vs

Bhujbal and Another

RESPONDENT

Date of Decision : 24-04-1897

Acts Referred:

Citation : (1897) ILR (All) 450

Hon'ble Judges : John Edge, J; Blair, J

Bench : Division Bench

Final Decision : Disposed Off

Judgement

John Edge, Kt., C.J. and Blair, J.—This is a reference from the District Judge of Jhansi. The plaintiff is a resident of Gwalior and a subject of that State. The defendant is a subject of Her Majesty the Queen, living within the jurisdiction of the Court of the District Judge of Jhansi. The plaintiff brought the suit in which this reference is made for a decree for rent which had accrued due in respect of land let by the plaintiff to the defendant in Gwalior territory. The District Judge desires to be instructed as to whether or not the suit is maintainable in British territory.

2. The suit being one for rent which had accrued due, and the parties being the parties between whom the contract was made for the letting and for the payment of rent, the suit in our opinion, lay in the Jhansi Court, within the jurisdiction of which the defendant was living. A suit for rent as between lessor and lessee, whether the lease is determined or not, and a suit for the use and occupation of land, was not treated in England as a suit having a local venue. See article "Action" in volume 1 of Tomlin's Law Dictionary. The case would consequently come within the decision of their Lordships of the Privy Council in *Gurdial Singh v. The Raja of Faridkot* ILR 22 Cal. 222. With this reply the record will be returned to the District Judge.