

(1929) 07 CAL CK 0041
In the Calcutta High Court

Raimoni Dasi and Others

APPELLANT

Vs

Upendra Nandan Das Mahapatra and Others

RESPONDENT

Date of Decision : 16-07-1929

Acts Referred:

Bengal Tenancy Act, 1885 — Section 153

Citation : AIR 1930 Cal 251a

Judgement

1. In these cases, it appears that u/s 153, Ben. Ten. Act, no second appeal lay to this Court. We regret that this point was not noticed at the earlier stage of the second appeals; but there seems to be no doubt about it. We have satisfied ourselves that an appeal did lie to the lower appellate Court. But it appears that in all these cases the claim for arrears of rent was under Rs. 100 and the question is merely whether or not by reason of the flood in 1329 the tenants were exempted from paying rent for that particular year in pursuance of a custom to obtain remission of rent by reason of destruction of crops through inundation. That question does not appear to us to come within any branch of the proviso to Section 153, Ben. Ten. Act and, in that view, these second appeals were incompetent.

2. We think, therefore, that the second appeals must be dismissed as well as these Letters Patent appeals : we do not think that any order for costs should be made as regards the second appeals or any subsequent proceedings in this Court.