

(1916) 03 CAL CK 0040
In the Calcutta High Court

Raja Shashi Shekhareswar Roy Bahadur	APPELLANT
Vs	
Nanda Lal Mandal	RESPONDENT

Date of Decision : 03-03-1916

Acts Referred:

Bengal Tenancy Act, 1885 — Article 2, 193

Citation : 33 Ind. Cas. 110

Hon'ble Judges : Richardson, J; N.R. Chatterjea, J

Bench : Division Bench

Judgement

1. The only question in this appeal is whether a suit for rent of a jalkar is governed by the rule of limitation (of three years) prescribed by Article 2 of the Third Schedule of the Bengal Tenancy Act. Section 193 of the Bengal Tenancy Act provides that the provisions of the Act applicable to suits for the recovery of arrears of rent shall, as far as may be, apply to suits for the recovery of anything payable or deliverable in respect of (among other things) rights over fisheries! The lease in the present case was merely "in respect of a right of fishery. The provisions of the Act applicable to suits, therefore, apply to the suit. Section 184 of the Act provides that the suits specified in Schedule III shall be instituted within the time prescribed in that Schedule. The limitation prescribed in Schedule III, Article 2, Clause (b) is, therefore, applicable to the suit. The same view was taken in the case of Krishna Lal v. Salim Mahomed 27 Ind. Cas. 614 : 19 C.W.N. 514.

2. The appeal accordingly fails and is dismissed with costs.