

**Tika Ram Vs. Megh Singh**

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**SooperKanoon Citation :** [sooperkanoon.com/448704](http://sooperkanoon.com/448704)

**Court :** Allahabad

**Decided On :** Dec-31-1969

**Reported in :** (1902)ILR24All127

**Judge :** Burkitt and ;Chamier, JJ.

**Appellant :** Tika Ram

**Respondent :** Megh Singh

**Judgement :**

**Burkitt, J.**

1. In my opinion the decision of the Officiating District Judge in this case is wrong. When the rent of a tenant (in this case an occupancy tenant) is in arrear, the landlord is, I think, entitled to distrain any crop growing on the tenant's holding, no matter by whom that crop was sown. This seems to me to be the clear meaning of the words 'the produce of all lands in the occupation of a cultivator shall be deemed to be hypothecated for the rent payable in respect of such land.' In my opinion it makes no matter whether such crop was sown, as in this case, by (be sub-tenant of an occupancy tenant or by the occupancy tenant himself. This is the view that was taken by this Court in the case of Geetum Singh v. Buldeo Kahar (1872) 4 N.W.P. H.C. Rep. 76 and in the observations of the late Chief Justice in the case of Fatima Begam v. Hansi (1887) I.L.R. 9 All. 244; at p. 247. A similar rule has been adopted by the Board of Revenue. It may be that the wording of

Section 56 is open to some possible argument, but I am of opinion that that question is now covered by authority. I would allow this appeal, and, setting aside the order of the lower appellate Court, restore the decree of the Court of first instance with costs in all three Courts.

**Chamier, J.**

2. I concur on the ground that the question has been settled by the authorities to which my learned colleague has referred.

3. The order of the Court is that the appeal be allowed, that the remand order of the lower appellate Court is set aside, and the decree of the Court of first instance restored, with costs in all-Courts.

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