

Niranjan Vs. Gajadhar

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SooperKanoon Citation : sooperkanoon.com/451628

Court : Allahabad

Decided On : Jan-09-1908

Reported in : (1908)ILR30All133

Judge : George Knox and ;Aikman, JJ.

Appellant : Niranjan

Respondent : Gajadhar

Judgement :

George Knox and Aikman, JJ.

1. On the facts stated by the learned District Judge of Jaunpur we hold that no question of proprietary title was in issue in the Court of first instance and that no such question is a matter in issue in this appeal. The learned District Judge is right therefore in his view that he had no jurisdiction to entertain the appeal. The opposite view may perhaps derive some support from the observations made towards the conclusion of the judgment in Chhitar Singh v. Rup Singh Weekly Notes, 1906, p. 247, but, with all deference to the learned Judge who decided the case, we are unable to agree with him in holding that, when there is a question whether one party or the other is the cultivator of specified land, a question of proprietary title arises. This is our answer to the reference.

