

Laljit Vs. Tikam Singh

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Court : Allahabad

Decided On : Oct-26-1926

Reported in : AIR1927All200

Appellant : Laljit

Respondent : Tikam Singh

Judgement :

1. We think there is no merit in this appeal. The facts are very shortly stated. The respondent Tikam Singh brought a suit for arrears of rent against the defendant-appellant Laljit. In that suit Laljit set up a proprietary title to the land in respect of which the tenancy was alleged. The Court taking action under Section 199, Sub-section (1), Clause (v) of the Agra Tenancy Act directed Laljit by an order in writing to institute a suit within three months for the determination of the question of title raised by him. We are informed that he was also given the option of getting an issue raised in a certain suit which then was pending. Whether it was open to the revenue Court to pass an order in the latter form may be questioned. But, at any rate, it is clear that Laljit complied with neither order. The result, therefore, necessarily was under Sub-section 2 of Section 199, that the question of title was decided against him. Here in appeal we are asked to say that the learned Judge took a wrong view of the law on the subject. It is said that Laljit was relying upon a certain litigation which was then pending, namely, a suit in which his grandsons were the plaintiffs and he himself was impleaded as one of the defendants. We are of opinion that having regard to the provisions of Section 199 of the Agra Tenancy

Act it was not open to Laljit to take shelter under any other litigation which was pending and in which he was impleaded as a party. The appellant having been required to file a suit by the Assistant Collector and having failed in that duty the provisions of Sub-section 2 of Section 199 could not but be applied. The question of title was necessarily decided against him.

2. The appeal fails and we dismiss it with costs. Parties should bear their own costs in all Courts.

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