

Profullah Chunder Bose and ors. Vs. SamiruddIn Mondul

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Court : Kolkata

Decided On : Dec-19-1894

Reported in : (1895)ILR22Cal337

Judge : O'Kinealy and ;Trevelyan, JJ.

Appellant : Profullah Chunder Bose and ors.

Respondent : SamiruddIn Mondul

Judgement :

O'Kinealy and Trevelyan, JJ.

1. This is an appeal from the decision of the District Judge of the 24-Parganas, dated the 5th of December 1893, reversing a decision of the second Munsif of that District, dated the 11th of March 1893.

2. The plaintiff in this case sued for rent, and at the hearing it appeared that the succession had opened out to him long before the Tenancy Act came into operation. The question is whether Sections 15 and 16 of the Tenancy Act apply to this case, so as to affect him. Section 16 certainly takes away a substantial right; and if we interpreted Sections 13 and 14 in the same manner as the Judge in the Court below has interpreted Sections 15 and 16, we should arrive at a most unreasonable conclusion. We think the sections have not retrospective effect.

3. The order of the lower Court is set aside, and the case remanded to the District Judge in order that he may try it on the merits.
4. The respondent will be entitled to the costs of this appeal.

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