

Arip Mandal Vs. Ram Ratan Mandal

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Court : Kolkata

Decided On : Mar-21-1904

Reported in : (1904)ILR31Cal757

Judge : Francis W. Maclean, C.J.,; Prinsep, ;Ghose, ;Harington and ;Brett, JJ.

Appellant : Arip Mandal

Respondent : Ram Ratan Mandal

Judgement :

Francis W. Maclean, C.J.

1. In our opinion, irrespective of custom or local usage, the heir of an under-raiyat under an annual holding as entitled, on the death of the under-raiyat, to remain in possession of the land, until the end of the agricultural year, for the purpose, if the land has been sublet, of realising the rent which might accrue during the year, or if not sublet, for the purpose of tending and gathering in the crops. In this case the suit was not brought until after the expiration of the then agricultural year. Although there was a claim for mesne profits, there is no evidence whatever to show that there were any, or that there were any crops which had been sown by the plaintiff's predecessor. The result, therefore, is that there is nothing which he can claim in this suit; and the suit must be dismissed.

2. The appellant is entitled to his costs in the two lower Courts, but to no costs of this Appeal.

Prinsep, J.

3. I am of the same opinion.

Ghose, J.

4. I agree.

Harington, J.

5. I agree.

Brett, J.

6. I agree.

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