

Lall Jha Vs. Negroo

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Court : Kolkata

Decided On : Jun-20-1881

Reported in : (1881)ILR7Cal717

Judge : Richard Garth, C.J. and ;McDonell, JJ.

Appellant : Lall Jha

Respondent : Negroo

Judgement :

Richard Garth, C.J.

1. So far as we can see, the District Judge appears to have rejected the doul darkhast, which was offered in evidence in this case, upon insufficient grounds. In the case of Maharaja Luchmissur Singh v. Mussamut Dakho (Ante, p. 708), we decided in a Pull Bench of this Court that a doul darkhast, if it amounted to nothing more than a proposal by a tenant to pay a certain rent for certain land, does not amount to a lease or an agreement for a lease. If it is accepted in writing by the landlord, it is a different thing. In another case-Sped Sufdar Reza v. Amzad All (Ante, p. 703)---which we also decided in a Full Bench, the document was not only a proposal for a lease, but had the word 'granted' signed by the landlord himself upon it. In that case we considered, that if that word was written upon the document in token of the acceptance by the landlord of the tenant's proposal, it would require registration, because it would then amount to a complete offer by

the tenant and an acceptance by the landlord of the terms of the proposed lease.

2. On the other hand, it was decided by this Court, in *Choonee Munder v. Chundee Lall Dass* (14 W. R., 178) and in *Bibee Meheroonnissa v. Abdool Gunee* (17 W. R., 508) that a *doul darkhast* being a mere proposal for a lease, unaccepted by the landlord, was not a lease within the meaning of the Registration Act. That is a very plain distinction, and we think, leaving regard to the rule laid down by the Full Bench, that the document here was admissible in evidence, and was improperly rejected.

3. The case must go back to the lower Court for retrial. If it should turn out that the landlord has agreed to the proposal of the tenant in writing, the document will of course require registration. The costs of this Court and of the Court below will abide the result.

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