

Juadulla and ors. Vs. Sheikh Bakshi

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Court : Kolkata

Decided On : Nov-25-1918

Reported in : AIR1919Cal416,49Ind.Cas.519

Judge : Beachcroft, J.

Appellant : Juadulla and ors.

Respondent : Sheikh Bakshi

Judgement :

Beachcroft, J.

1. This is an appeal in a rent suit against a decision of the learned Additional District Judge of Sylhet. The rent law applicable in that District is Act VIII of 1569. The suit was dismissed by the learned Judge on the ground that there was a defeat of parties.

2. A preliminary objection was taken to the hearing of this appeal on the ground that under Section 102 of Act VIII of 1869 no appeal lies, as the amount claimed does not exceed Rs. 100 and us none of the other questions mentioned in that section was raised in the suit. At one time a view was taken that the word 'District Judge' in the section did not include an 'Additional District Judge.' That question was set at rest by the decision in the case of Brojo Misser v. Ahladee Misrain 21 W.R. 320 : 13 B.L.R. 376 (F.B.), in which it was held that an 'Additional District

Judge' does come within the meaning of the section.

3. That being the state of facts, the preliminary objection must prevail and the appeal is accordingly dismissed with costs.

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