

Janga Ravaji Mali

Vs

Smt. Nasrat Jahanbegum and Others

Civil Appeal No. 94 of 1977

(CJI Y.V. Chandrachud, A. Varadarajan, A.N. Sen JJ)

20.10.1981

ORDER

1. Having heard learned counsel for the parties, we are of the opinion that the interest of justice will be best served by giving to the landlady, who is respondent 1 before us, an area admeasuring 22 acres and by allowing the appellant-tenant to retain the remaining land. Two lands are involved in these proceedings, namely, survey 15 which admeasures 18 acres and 17 gunthas and Survey 17 which admeasures 11 acres and 15 gunthas. We direct that the landlady (respondent 1) shall be put in possession of 15 acres from out of Survey 15 and 7 acres from out of Survey 17. The Tahsildar, Taleda, District Dhulia, will put her in possession of the aforesaid 22 acres of land after effecting an equitable partition of there two lands, bearing in mind the quality of the lands, including the right to use the well in Survey 17.
2. It is needless to add that the appellant-tenant shall be deemed to have become a statutory purchaser of the land of which he is entitled to retain possession under this Order.
3. There will be no order as to mesne profits nor any liability on the appellant to pay any amount by way of purchase price.
4. The appeal will stand disposed of in terms of this Order.
5. There will be no order as to costs.

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