

Privy Council Appeals Nos. 93 and 94 of 1922.

Kaju Mal and others - - - - - *Appellants*
v.
Salig Ram - - - - - *Respondent.*
Salig Ram - - - - - *Appellant*
v.
Kaju Mal and others - - - - - *Respondents*
(*Consolidated Appeals*)

FROM

THE CHIEF COURT OF THE PUNJAB.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 16TH NOVEMBER, 1923.

Present at the Hearing :

LORD SHAW.
LORD CARSON.
SIR JOHN EDGE.
MR. AMEER ALI.
SIR LAWRENCE JENKINS.

[*Delivered by* LORD SHAW.]

These are two appeals from a decree of the Chief Court of the Punjab.

The suit is for possession by pre-emption of a portion of an estate known as the Gopalpur Tea Estate. The issue in the case, upon which argument was presented to the Board, is in the following terms: "Is the property in suit definable as agricultural land . . . within the meaning of Section 3 of the Pre-emption Act?" The reference is to Act II of 1905 and particularly to Section 3, subsection 1.

Under that definition "agricultural land" is declared to

mean " ' land ' as defined in the Punjab Alienation of Land Act, 1900."

The reference is to the Act Number XIII of 1900 and to Section 2, subsection 3 thereof. The relevant portions of the definition there given are as follows: " The expression ' land ' means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture."

The issue was accordingly properly framed and the argument was confined, as stated, to the simple question whether this land, which extended to about fifteen or sixteen hundred acres, came within the definition of land which is agricultural land. Upon that subject both courts have pronounced judgment clearly affirming that this tea garden in Punjab falls within the definition of " agricultural land." They have given sound and sensible reasons, if reasons were required, for the affirmation of that proposition: and this Board does not think it necessary to cover the ground any further, and merely contents itself with affirming in all particulars the decree appealed from.

Their Lordships will accordingly humbly advise His Majesty that the appeal fails.

There is a cross appeal. That cross appeal is partly covered, no doubt, by the judgment already delivered and it is sufficient to say that their Lordships will humbly advise His Majesty that this cross appeal should also be dismissed.

The parties will bear their own costs of these appeals.

In the Privy Council.

KAJU MAL AND OTHERS

v.

SALIG RAM

SALIG RAM

v.

KAJU MAL AND OTHERS.

(*Consolidated Appeals.*)

DELIVERED BY LORD SHAW.