

the inclusion of Sant Ram. I would, therefore, accept the appeal and remand the case, under Order 41, rule 23, Civil Procedure Code, for a decision on the rest of the issues. The stamp on appeal shall be refunded. Costs shall abide the result.

HARRISON J.—I agree.  
A. N. C.

1930  
RAM KISHAN  
v.  
GANGA RAM.  
DALIP SINGH J.

HARRISON J.

*Appeal accepted.*  
*Case remanded.*

### CIVIL REFERENCE.

*Before Addison J.*

ISHAR—Plaintiff

*versus*

DITTU AND OTHERS—Defendants.

1930  
*Dec. 9.*

**Civil Reference No. 31 of 1930.**

*Jurisdiction (Civil or Revenue) Suit for recovery of arrears of rent sold to plaintiff by two out of three landlords—Punjab Tenancy Act, XVI of 1887, sections 4, 77 (3) (n).*

*Held, that a suit by the purchaser of a 2/3rds share of the rent, to which two out of three landlords were entitled, against the tenants, is cognizable by the civil Courts, the purchaser not being the landlord.*

*Ganpat Rai v. Sardara (1), followed.*

*Case referred by Commissioner, Jullundur, with his No. 6480, dated the 2nd September 1930, for orders of the High Court.*

ADDISON J.—These are two references by the Collector of Hoshiarpur through the Commissioner, for a decision, under section 99 of the Punjab Tenancy Act, as to whether the two suits referred should be tried by a civil or a revenue Court. The two suits are similar in nature and the same order will govern both.

ADDISON J.

1930

ISHAR

v.

DITTU.

ADDISON J.

The plaintiff is the purchaser of a  $\frac{2}{3}$ rds share of the rent to which two out of three landlords are entitled. He has sued the tenants for the rent he is entitled to under his purchase. The Subordinate Judge, 4th class, returned the plaint for presentation to the revenue Courts, holding the suit to be cognizable by the revenue Courts. The Assistant Collector to whom the plaint was presented considered that the suit was triable by a civil Court and consequently the matter has been referred to this Court through the Commissioner.

The question is covered by authority. It was held in *Ganpat Rai v. Sardara* (1) that a suit such as the present is cognizable by a civil Court. I accordingly hold that these suits are cognizable by the civil Courts and I direct the Assistant Collector to return the plaint to the Subordinate Judge, 4th class, who is hereby directed to decide the suits.

*N. F. E.*

*Reference accepted.*

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(1) 61 P. L. R. 1912.