

## **Bhagwati Prasad And Anr. vs Mt. Shitali And Ors. on 13 October, 1952**

**Equivalent citations: AIR1953ALL241, AIR 1953 ALLAHABAD 241**

ORDER

Chaturvedi, J.

1. This is a defendant's application in revision arising out of an application under Section 12, Agriculturists' Relief Act. The learned counsel for the plaintiffs opposite parties, Mr. Bishwanath Singh has very frankly conceded that this application must be allowed, because the properties sought to be redeemed are certain occupancy plots. A Full Bench case of this Court has ruled that an application under Section 12, Agriculturists' Relief Act is not maintainable for redemption of a mortgage of occupancy plots. This Full Bench case is reported in -- 'Mahabal Singh v. Ram Raj', 1950 All LJ 713 (FB).

2. I, accordingly, allow this application in revision, set aside the decrees of the Courts below and dismiss the suit. In view of the peculiar circumstances of the case, I direct that the parties shall bear their own costs in all the Courts.