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**(1995) 12 MAD CK 0045**  
**In the Madras High Court**  
**Case No : C.R.P. No. 1116 of 1989**

Ammaji Beevi

APPELLANT

Vs

Abdul Rahim

RESPONDENT

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**Date of Decision :** 04-12-1995

**Acts Referred:**

Tamil Nadu Cultivating Tenants Protection Act, 1955 — Section 2, 3(4), 6B

**Citation :** (1996) 1 CTC 191

**Hon'ble Judges :** Thanikkachalam, J

**Bench :** Single Bench

**Advocate :** N. Vanchinathan, for the Appellant; Jayashree Narasimhan, for the Respondent

**Final Decision :** Allowed

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## Judgement

Thanikkachalam, J.—This revision is directed against the order passed in petition No. 656 of 1987 on the file of Revenue Court, Kumbakonam. That petition was filed for eviction u/s 3(4)(a) of Act 25 of 1955 by the revision petitioner herein, who is the daughter of Mohammed Ismail on the ground that there was default in payment of rent for Faslis 1393 to 1396.

2. The respondent herein, in the eviction petition, contended that the original owner of the land was one Mohammed Ismail, in whose favour, lease-deed was executed, which is marked as Ex: P.1 dated 15.4.70. According to the respondent, no lease deed was executed in favour of Ammaji Beevi, Therefore, there is no relationship of landlord and tenant between the respondent and Ammaji Beevi. The Revenue Court held that in view of the fact that there is no fresh lease deed between Ammaji Beevi and the respondent, she can not be said to be the owner of the land in question and there is no relationship of landlord and tenant between the revision petitioner and the respondent herein and dismissed the eviction petition. It is against that order, the present revision has been preferred by the said Ammaji Beevi.

3. According to learned counsel for the revision petitioner, the petitioner's father Mohamed Ismail was the original owner of the land in question in whose favour the respondent herein executed a lease deed on 15.4.1970 and the said Mohamed Ismail executed a settlement deed in favour of his daughter ,the revision petitioner herein under Ex. P.2 dated 28-7-1973 and so, she has become the owner of the land in question and that therefore, she is entitled to institute and prosecute the present action against the tenant. On the other hand, learned counsel for the respondent submitted that in as much as no fresh lease deed was executed in favour of Ammaji Beevi, she can not be considered to be the landlady. It was further submitted that the tenant has paid the arrears of rent to the landlady and therefore, the petition is not maintainable.

4. I have heard the rival submissions of the learned counsel for the petitioner and the learned counsel for the respondent. The fact remains that Mohamed Ismail was the original I and owner in whose favour, the respondent herein executed a lease deed on 15.4.1970 and Mohamed Ismail executed a settlement deed in favour of the revision petitioner herein, who is his daughter ,on 28.7.1993 under Ex. P.2 and that therefore, the revision petitioner has become the owner of the land. The fact that no fresh lease deed was executed in favour of the revision petitioner is irrelevant. In *Ponniah Thevar v. Nallayam Perumat Pillai* (1977) 2 M.L.J. 1(S.C.), the Supreme Court has held that the statutory definition of the term "landlord" relates not only to the person, who created the lease, but contemplates and takes in every successive holder, who could be entitled to evict a tenant, and there is nothing in the Act to show that the protection given to the cultivating tenant, as defined in the Act, was given only against his original lessor and did not extent to subsequent holder of land occupying the capacity of the landlord. In view of the aforesaid decision, the revision petitioner herein will be the landlady entitled to institutes the petition for eviction of the tenant, the respondent herein, under the provisions of Act 25 of 1955, and there is the relationship of landlady and tenant between the revision petitioner and the respondent herein and the order passed by the Revenue Court is unsustainable.

5. In the result, the revision petition is allowed, the order passed by the Revenue Court is set aside and the matter is remitted back to the Revenue Court, Kumbakonam, with a direction to dispose of the said petition in accordance with law, on merits after affording an opportunity to the parties to let in evidence oral and documentary in support of their respective case. No costs.