

(1892) 03 MAD CK 0033
In the Madras High Court

Athakutti

APPELLANT

Vs

Govinda and Others

RESPONDENT

Date of Decision : 25-03-1892

Acts Referred:

Citation : (1893) ILR (Mad) 97

Hon'ble Judges : Wilkinson, J; Arthur J.H. Collins, J

Bench : Division Bench

Judgement

1. The only question raised in second appeal is whether second defendant is entitled to notice. We think not. The defendants were allowed to occupy on condition of doing certain work. It is found that they did work up to five years ago. On ceasing to do work they were liable to eviction without notice. It is not the case of a tenant but the case of a licensee. This case may easily be distinguished from those in *Abdulla Rawutan v. Subbarayyar* ILR 2 Mad. 346 and *Subba v. Nagappa* ILR 12 Mad. 353, as in both those cases there was an agreement to pay rent. Here there was no agreement to pay rent, but the mirasidars permitted the defendants to occupy a certain house site so long as they did work. This second appeal fails and is dismissed with costs.