

(1891) 02 MAD CK 0002
In the Madras High Court

Chidambram Pillai and Another

APPELLANT

Vs

Sabapathi Pillai

RESPONDENT

Date of Decision : 19-02-1891

Acts Referred:

Citation : (1896) 6 MLJ 231

Judgement

1. In this case the landlord's title was denied; -and the circumstance that it was denied for the first time in the written statement is immaterial, The

decisions in 2 Madras series Abdulla Rawutan v. Subbarayar ILR (1878) M. 346 Madras series are not in point, inasmuch as in those cases, the

right to demand rent was admitted though the precise nature of the holding was disputed. This case is governed by 2 M.H.C.E. 109, and by I.L.E.

9 B. 527. We dismiss the second appeal with costs.

NOTE.--See also Baba v. Visvanath Joshi ILR 8 B. 228, in which it was held on the authority of Vivian v. Moat L.R. 16 Oh. 730, that a tenant

denying his landlord's title in the course of the suit is not allowed to plead that he is entitled to notice. Woodfall's Landlord and Tenant, 9th Ed; p.

325, Doed Trustees of the Bedford Charity v. Payne 7 Q.B. 287. Per contra. See Kali Krishna Tagore v. Golam Ally ILR 13 O. 218. Paidal

Kidavu v. Parakal Imbichunni Kidavu 1 M.H.G. R 13.