
(1903) 01 MAD CK 0002
In the Madras High Court
Case No : Second Appeal No. 980 of 1901

Chinna Narayudu

APPELLANT

Vs

Harischendana Deo

RESPONDENT

Date of Decision : 21-01-1903

Acts Referred:

Citation : (1903) 01 MAD CK 0002

Hon'ble Judges : Bhashyam Ayyangar, J;Benson, J

Bench : Division Bench

Advocate : V.C. Seshachariar, for the Appellant; P.R. Sundara Ayyar, for the Respondent

Final Decision : Allowed

Judgement

1. A preliminary objection to the Plaintiff's suit in ejectment was taken in the Courts below to the effect that no notice to terminate the Defendant's tenancy was given by the Plaintiff prior to bringing the suit. The Courts below overruled this plea on the ground that the Defendant had denied the landlord's title, and that therefore no notice was necessary.
2. The documents referred to by the Courts below asserted the Defendant's title as a permanent tenant and denied the Plaintiff's title to give a lease of the land to a third party. This is not a denial of the relationship of landlord and tenant between the Plaintiff and Defendant which would render notice unnecessary.
3. On this ground we allow the second appeal and, reversing the decrees of the Courts below, dismiss the Plaintiff's suit with costs throughout.