
(1961) 02 MAD CK 0021
In the Madras High Court
Case No : C.R.P. No. 2067 of 1959

Karuppanna Gounder and others

APPELLANT

Vs

Sadaya Kudumban alias Karuppa Kudumban

RESPONDENT

Date of Decision : 02-02-1961

Acts Referred:

Citation : (1961) 02 MAD CK 0021

Hon'ble Judges : Kailasam, J

Bench : Single Bench

Advocate : A. Venkatasan, V. Vedantachari and T. Rangaswami Ayyangar, for the Appellant; V.C. Veeraraghavan, for the Respondent

Final Decision : Allowed

Judgement

Kailasam, J.—This Revision Petition can be disposed of on the short ground that the deposit was not made within the time specified in S. 3 (3) (a) (ii) of the Madras Cultivating Tenants' Protection Act (XXV of 1955). The tenant filed C.T.P.A. No. 71 of 1958 under S. 3 (3) (a) of the Act depositing Rs. 350 towards the rent for the period 25th August, 1957, to 25th August, 1958. The petitioner deposited the amount in Court on 6th Nov. 1958. The rent was due, according to the lease agreement, on 25th August, 1958, and under S. 3 (3) (a) (ii) the amount ought to have been deposited before 25th September, 1958. The tenant pleaded that he sent a money order even on 6th August, 1958, which the landlord refused. Even if this allegation is true no discretion is given to the lower Court for entertaining an application under S. 3 (3) (a) if the deposit is not made within a month after the date on which the rent accrued due. In this case admittedly the deposit was not made within that time. In the circumstances the lower Court had no jurisdiction to entertain this petition. This petition is therefore allowed. No order as to costs.