
(1958) 01 MAD CK 0030
In the Madras High Court
Case No : C.R.P. No. 1218 of 1957

Kunchitapadam Pillai

APPELLANT

Vs

Ranganadha Pillai

RESPONDENT

Date of Decision : 08-01-1958

Acts Referred:

Citation : (1958) 1 MLJ 272

Hon'ble Judges : Balakrishna Ayyar, J

Bench : Single Bench

Advocate : K.N. Subramamian, for the Appellant; M. Srinivasagopalan, for the Respondent

Final Decision : Dismissed

Judgement

Balakrishna Ayyar, J.—In order to qualify at a "cultivating tenant" within the meaning of S. 2 (a) of the Madras Act XXV of 1955, it is not necessary that a. poison should put hit own muscular effort into the soil. It is not necessary that he himself should plough the field or irrigate it or weed it or harvest it or thrash the grain that the field may yield. It is sufficient if the land is cultivated under his direct supervision and if farther he assumes the risks of the cultivation If he can decide what crops he would grow, when he would grow them and where he would grow them if he can direct what labor should be employed and when and where and for what purposes, if he can decide what fertilizer he would use and in what proportions, if he cap decide and direct when the field should be harvested and how the harvest should be disposed of-if he has direct control over such operations and if further he is not the paid agent in this respect of some one else he would be a cultivating tenant within the meaning of the

Act. The contention of the respondent that as he does not contribute his physical labor to the cultivation he is not a cultivating tenant, must fail. The

next contention of the petitioner that he was not aware of the sale in favour of the respondent till November 1956 is demonstrated to be false by

Ext. P. 2 to P. 6. The final contention that then was no apportionment of the rent must also be negative in view of the evidence of P. W. 2.

This petition is dismissed with costs. Time to pay arrears of rent two weeks from today.