

(1958) 01 MAD CK 0006
In the Madras High Court

Kunchithapatham Pillai

APPELLANT

Vs

Ranganadham Pillai

RESPONDENT

Date of Decision : 08-01-1958

Acts Referred:

Citation : (1958) 1 MLJ 272

Hon'ble Judges : Balakrishna Ayyar, J

Bench : Single Bench

Judgement

Balakrishna Ayyar, J.—In order to qualify as a "cultivating tenant" within the meaning of Section 2(a) of the Madras Act XXV of 1955 at is

not necessary that a person should put his 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 further 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 labour 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 can 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 someone 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 labour 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 Exhibits P-2 to P-6.

2. The final contention that there was no apportionment of the rent must also be negated in view of the evidence of P.W. 2.

3. This petition is dismissed with costs. Time to pay arrears of rent 2 weeks from today.