

(1907) 10 BOM CK 0002
In the Bombay High Court
Case No : Second Appeal No. 11 of 1907

Ochhavlal Chandraprasad

APPELLANT

Vs

Gopal Kalyan

RESPONDENT

Date of Decision : 14-10-1907

Acts Referred:

Citation : (1907) 9 BOMLR 1332

Hon'ble Judges : Lawrence Jenkins, J;Heaton, J

Bench : Division Bench

Judgement

Lawrence Jenkins, C.J.—The only question that arises in this suit is whether an annual tenancy to which the Land Revenue Code applies can be determined without a notice in writing by the landlord.

2. It is urged before us that it can, because there was a re- pudiation of the landlord"s title.

3. As a matter of fact there was, in this case, no repudiation of the relation of landlord and tenant. But apart from that we must give effect to the express provisions of the Land Revenue Code.

4. It has been held as a fact that there is an annual tenancy and Section 84 of the Land Revenue Code says: "An annual tenancy shall, in the absence of proof to the contrary, be presumed to run from the end of one cultivating season to the end of the next. The cultivating season may be presumed to end on the 31st March.

An annual tenancy shall require for its termination a notice given in writing by the landlord to the tenant, or by the tenant to the landlord at least three months before the end of the year of tenancy at the end of which it is intimated that the tenancy is to cease. Such notice may be in the form of Schedule E, or to the like effect.

5. No such notice was given in this case; therefore, the annual tenancy has not

been determined.

6. The result is that the decree must be confirmed with costs.