

(1940) 10 MAD CK 0051
In the Madras High Court

Rama Pattar's son Parameswara Aiyar	APPELLANT
Vs	
Kootallor Manakkal Moopil Stanom Bhramadathan Nambudripad Manager Narayanan Nambudripad's son Narayanan Nambudripad	RESPONDENT

Date of Decision : 22-10-1940

Acts Referred:

Citation : AIR 1941 Mad 432 : (1941) 53 LW 104 : (1941) 1 MLJ 177

Hon'ble Judges : Wadsworth, J

Bench : Division Bench

Judgement

Wadsworth, J.—This petition arises out of the dismissal of an application u/s 15(4) of the Madras Act IV of 1938. The petitioner, who is an agriculturist, obtained an . assignment of the land on which the rent was due on 1st June, 1938, that is to say, after the Act came into force. On the date of the commencement of the Act the tenant was his assignor. The latter is admittedly not an agriculturist. The petitioner claims the benefits of Section 15 of the Act on the ground that he is an agriculturist and has deposited into Court the arrears due for faslis 1346 and 1347. We are of opinion that this petition cannot succeed. We have already expressed the view in C. R. P. No. 1632 of 1938 Amad Koya and Another Vs. Appu and Another, , that Section 15(1) requires that there should be rent outstanding on the date of the commencement of the Act, which rent must be, as on that date, payable by an agriculturist. In that case we were dealing with a slightly different contention from that now urged, but the essential question was : What is the date with reference to which rent must be payable by an agriculturist to a landholder in order to satisfy the conditions of Section 15(1) of the Act? Clearly in the present case, at the commencement of the Act there was no rent payable by an agriculturist in respect of this land, and the mere fact that the land has been assigned after the Act came into force to an agriculturist, cannot give the latter the benefit of Section 15. The Civil Revision Petition is therefore dismissed with costs.