

Srimanth Raja Erlagudda Mallikarjuna Prasada Naidu Bahadur Zemindar Garu Vs. Moolupuri Pappaya

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Court : Chennai

Decided On : Jan-07-1908

Reported in : (1908)18MLJ246

Appellant : Srimanth Raja Erlagudda Mallikarjuna Prasada Naidu Bahadur Zemindar Garu

Respondent : Moolupuri Pappaya

Judgement :

1. With regard to the rent of fasli 1313 these civil revision petitions are not pressed. It is contended that as the tenant executed the muchilika, Exhibit A, for fasli 1308 to 1312 inclusive and the landlord accepted it, it was not necessary for the landlord to tender any puttah as it is to be inferred that both parties agreed to dispense with puttah.

2. We do not think any such inference can be drawn in this case. In the first place it was not the landlord's case in the Courts below that there was any agreement to dispense with a puttah; on the contrary, in paragraph 6 of the plaint it was stated that a puttah was prepared in accordance with the muchilika for 5 years and actually tendered to the tenants, but refused by them. In the second, place we are not prepared to hold that the mere acceptance by the landlord of a muchilika executed by the tenant is sufficient proof that puttah has been dispensed with - Varathachari v. Balu Naiken I.L.R. (1881) M. 2 55 and Narayana v. Muni I.L.R. (1886) M. 363.

3. As there was no agreement to dispense with patah, the provisions of Section 7 of Act VIII of 1865 were not complied with and the suits are rightly dismissed. We dismiss these civil revision petitions with costs.