

A. Vencatasawmy Chetty Vs. Suppa Pillay

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Court : Chennai

Decided On : Oct-27-1909

Reported in : 4Ind.Cas.303

Judge : Miller, J.

Appellant : A. Vencatasawmy Chetty

Respondent : Suppa Pillay

Judgement :

Miller, J.

1. The lease is a lease for a term of three years and is, therefore, compulsorily registerable under Section 17 of the Indian Registration Act (or unless it is saved by the proviso to the section). The District Munsif reads the proviso as exempting leases for a term and reserving an annual rent, provided that the term does not exceed 5 years and the rent Rs. 50.

2. I am asked to read it differently, as exempting leases, the terms granted by which do not exceed 5 years and the annual rent (if any) reserved by which does not exceed Rs. 50. In other words when a lease reserves no annual rent, it will not, if the contention is correct, be compulsorily registerable, unless it grants a term of more than five years.

3. I have not been referred to any authority on the question: it is not really touched by Venkatachellam Chetti v. Audian 3 M.k 358 in which there was an annual rent reserved.

4. The question is one of some difficulty but I think on the whole, though I was at first disposed to take the other view, that the District Munsif is right and that unless the lease reserves an annual rent the proviso will not apply to it. I, therefore, dismiss the petition with costs.