

Guntreddi Mallu Nayudu and ors. Vs. Guntreddi Chinna Gavuru Naidu and ors.

LegalCrystal Citation : legalcrystal.com/820752

Court : Chennai

Decided On : Oct-23-1924

Reported in : AIR1925Mad1146

Appellant : Guntreddi Mallu Nayudu and ors.

Respondent : Guntreddi Chinna Gavuru Naidu and ors.

Judgement :

Srinivasa Aiyangar, J.

1. I think this petition should be dismissed. The only question, before me is whether both the lower-Courts were right in holding that the suit property was an 'estate' within the meaning of the Madras Estates Land Act.

2. The Court of first instance held that it; was and returned the plaint for presentation to the Revenue Court. The lower-Appellate Court in a short and summary judgment agreed with the Court of first, instance and dismissed the appeal.

3. It has been argued before me by the learned Vakil for the petitioner that all that has been admitted in this case is that the property was a darmilla inam and that, from that alone it did not follow that the predecessors of the plaintiff were not the owners of the kudivaram when the inam was granted. He also referred to an unreported decision in the case of Muryala Bommayya v. Gorle Kannan Naidu S.A. No. 752 of 1922 by Krishnan and Odgers, JJ. In that case no question of the jurisdiction of a civil Court was taken or considered. The case has, therefore, to be decided on the definition of a 'landholder' in Clause (5) of Section 3 of the Madras Estates Land Act. The learned vakil for the petitioner argued that the decision reported as Brahmayya v. Achiraju A.I.R. 1922 Mad. 373 had reference only to a case where conceivably the grantee was already possessed of the kudivaram interest in the land. His contention is that the plaintiff who comes into Court is not bound to show how and in what manner he became the grantee and that as plaintiff the presumption ought to be made in his favour in such a manner as would entitle him to maintain the suit in a civil Court.

4. I think, however, that the question is clear on a consideration of the terms of Sub-clause (5), the definition of a landholder in the Act. It is not denied that any person who becomes entitled to collect the rents of a portion of the estate is a landholder within the meaning of the definition, if by virtue of any transfer from the owner or his predecessor-in-title or of any order of a competent Court or of any provision of law he should become entitled to collect the rent of such a portion. Now in the case of a darmilla inam two things are clear that there was an inam and that it was darmilla.

The grant must have been by the inamdar after the Permanent Settlement. Whether the grant was of both the warams or only of the melwaram it seems to me that if on the grant the grantee became entitled to collect the rents of the land he would be a land-holder within the meaning of Sub-clause (5). It must be noted, however, that the transfer referred to in the section is not the transfer to collect the rents of the portion. But what the section says is that if by virtue of any transfer from the owner to the grantee the right to collect the rents of the property accrues to the grantee he should be deemed to be a landholder.

5. I think the words of the section will clearly include a case where both the warams become merged in the grantee by virtue of any transfer, as in that case the right to collect the rent will certainly pass to the grantee by the transfer of the melwaram.

6. I think the lower Courts were right in their decision and the petition is accordingly dismissed with costs.

LegalCrystal - Indian Law Search Engine - www.legalcrystal.com