

Gopaladasu Garu Vs. Perraju

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Court : Chennai

Decided On : Mar-06-1902

Reported in : (1902)12MLJ126

Appellant : Gopaladasu Garu

Respondent : Perraju

Judgement :

1. We think the plaintiff's cause of action arose when each demand for the enhanced rent was made and the suit was not barred.
2. By the Regulation XXV of 1802, Section 3, in all cases of disputed assessment reference shall be had to sunnads and Kabul eats and judgment shall be given by the courts of judicature in conformity to the conditions under which the agreement may have been formed in each particular case.
3. In this case a reference the kabuleat shows that the Zemindar bound himself not to change the quit-rent. Though the enhanced rate has been paid for a long time, it is not shown that there was any consideration for such enhanced payments and from the defendant's letters, Exhibits A and H, it is clear that he did not, when he wrote them in 1891 and 1894, pretend that he had then any legal right to the enhanced rate, but on the contrary he promised to return the excess. In these circumstances, we should not be prepared to infer from the mere fact of the long continued payments any agreement to continue to pay the enhanced amounts.

4. We think that the decision of the District Judge was therefore right and dismiss this appeal with costs.

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