

**Kunchithapatham Pillai Vs. Ranganadham Pillai**

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**SooperKanoon Citation :** [sooperkanoon.com/777963](http://sooperkanoon.com/777963)

**Court :** Chennai

**Decided On :** Jan-08-1958

**Reported in :** (1958)1MLJ272

**Appellant :** Kunchithapatham Pillai

**Respondent :** Ranganadham Pillai

**Judgement :**

**Balakrishna Ayyar, J.**

1. In order to qualify as a 'cultivating tenant' within the meaning of Section 2(a) of the Madras Act XXV of 1955 it is not necessary that a person should put his own muscular effort into the soil. It is not necessary that he himself should plough the field or irrigate it or weed it or harvest it or thrash the grain that the field may yield. It is sufficient if the land is cultivated under his direct supervision and if further he assumes the risks of the cultivation. If he can decide what crops he would grow, when he would grow them and where he would grow them, if he can direct what labour should be employed and when and where and for what purposes, if he can decide what fertilizer he would use and in what proportions, if he can decide and direct when the field should be harvested and how the harvest should be disposed of, if he has direct control over such operations and if further he is not the paid agent in this respect of someone else, he would be a cultivating tenant within the meaning of the Act. The contention of the respondent that as he does not

contribute his physical labour to the cultivation he is not a cultivating tenant, must fail. The next contention of the petitioner that he was not aware of the sale in favour of the respondent till November, 1956, is demonstrated to be false by Exhibits P-2 to P-6.

2. The final contention that there was no apportionment of the rent must also be negatived in view of the evidence of P.W. 2.

3. This petition is dismissed with costs. Time to pay arrears of rent 2 weeks from today.

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