

Ramasami Mudaliar Vs. Rathna Mudaliar

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SooperKanoon Citation : sooperkanoon.com/789903

Court : Chennai

Decided On : Oct-26-1897

Reported in : (1898)ILR21Mad148

Judge : Arthur J.H. Collins, C.J.; and Davies, J.

Appellant : Ramasami Mudaliar

Respondent : Rathna Mudaliar

Judgement :

1. We do not think that Exhibit III is evidence of an implied undertaking by the plaintiff that he accepted the rates and terms of the patta, Exhibit A.
2. But the second point urged that the suit was not brought within the fasli 1303 to which the patta relates is, we think, fatal to the suit, It has been held in Venkatasami Naik v. Setupati Ambalam 7 M.H.C.R. 359 that a patta must be tenderd by a landlord within the fasli for which rent is sought to be recovered, and we are of opinion that the same rule must apply to a tenant when he demands a patta from the landlord. This suit, being brought after the expiration of the fasli. for which the patta was demanded, was therefore barred by time. On that ground only, we reverse the decree of the District Judge and restore that of the Deputy Collector. The plaintiff must pay the costs of the appellant in this and in the lower Appellate Court.

