

**Viru Mammad Vs. Krishnan and ors.**

**Viru Mammad Vs. Krishnan and ors.**

**SooperKanoon Citation :** [sooperkanoon.com/790003](http://sooperkanoon.com/790003)

**Court :** Chennai

**Decided On :** Nov-03-1897

**Reported in :** (1898)ILR21Mad149

**Judge :** Shepard; and Boddam, JJ.

**Appellant :** Viru Mammad

**Respondent :** Krishnan and ors.

**Judgement :**

1. 'With regard to the sixth defendant, the sub-kanom being prior to the 1st January 1886, the Act does not affect the validity of the contract thereby made. As between this defendant and the appellant the former can only be entitled to the compensation which the contract gives him.

2. As to the other defendants (now respondents) it is said that the bulk of the improvements must have been effected before the Act came into force, and that for the improvements effected before that date they are only entitled to be paid according to the rates stipulated in the sub-kanoms. It appears to us that Section 7 of the Act cannot be construed retrospectively, so as to invalidate agreements made with respect to improvements prior to the passing of the Act. So far as the Section relates to making improvements, it must refer to improvements to be made subsequently, and, this being so, it is difficult to construe the rest of the Section as referring to improvements effected prior to the date of the Act. Section 4 does not

refer to contracts.

3. It is necessary, therefore, to ascertain the value of the improvements made by each of the sub-demisees before the 7th January 1887, calculated according to the scales specified in the respective contracts, and also the value of the improvements effected subsequently, calculated under the provisions of the Act.

4. We must direct the District Judge to return findings on these questions. Fresh evidence may be taken.

5. The findings should be submitted within one month from the date of the receipt of this order, and seven days will be allowed for filing objections after the findings have been posted up in this Court.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**