

Anantha Bhatta Vs. Mavinamale Anantha Bhatta and ors.

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Court : Chennai

Decided On : Sep-04-1918

Reported in : 48Ind.Cas.705

Judge : Phillips and ;Kumaraswami Sastriar, JJ.

Appellant : Anantha Bhatta

Respondent : Mavinamale Anantha Bhatta and ors.

Judgement :

1. The question is whether the right to improvements of a Mulgeni tenant can be attached and sold in execution.
2. It is conceded that his rights are the same as the rights of a tenant in Malabar, and it has been held by this Court in Achuta v. Kali 2 Ind. Dec. 962 and Eressa Menan v. Shamu Patter 7 Ind. Dec. 454 that a right to compensation for improvements is merely an inchoate right which only becomes perfected at eviction. It is a right to be enforced only at the time of eviction and the extent of the right is dependent on what may be the relations between the landlord and tenant at that time and also on the number and nature of the improvements in existence then. In the present case the lease, being permanent, the right may never mature. This being so, we must hold that such a right cannot be attached.
3. Whether individual improvements can be attached and sold is a question which does not arise in this case and need not be discussed.

4. The second appeal is dismissed with costs.

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