

In Re: J. Oliveira

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Court : Chennai

Decided On : Jan-28-1910

Reported in : 5Ind.Cas.834a

Judge : Arnold White, C.J.

Appellant : In Re: J. Oliveira

Judgement :

ORDER

Arnold White, C.J.

1. The Public Prosecutor says he is unable to support these convictions. I entirely agree.
2. Exhibit I was signed by the complainant. It is not found he was not aware of the contents when he signed it.
3. Under Exhibit I the complainant was a licensee and he agreed that if he failed to pull down the hut after three days' notice, Messrs. A spin wall might pull it down. The Sessions Judge finds the notice was duly served. After service of the notice and non-compliance herewith, Messrs. A spin wall were entitled under the express terms of Exhibit I, to pull down the hut. I am unable to take the view of the Sessions Judge that the complainant was a tenant entitled to the benefit of Act I of 1900. He was a licensee and does not come within the definition of tenant in Section 3 of the Act.

4. The convictions must be set aside and the fines, if paid, refunded.

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