

## APPELLATE CIVIL.

Before Sir Arthur J. H. Collins, Kt., Chief Justice, and  
Mr. Justice Wilkinson.

ATHAKUTTI (DEFENDANT No. 2), APPELLANT,

v.

GOVINDA AND OTHERS (PLAINTIFFS), RESPONDENTS.\*

1892,  
March 25.

*License to occupy—Land-lord and tenant—Notice to quit.*

The plaintiffs who were mirasidars of a village permitted the defendants to occupy their land on the condition that they should do blacksmith's work for the plaintiffs. The defendants ceased to do the work after a time :

*Held*, that the plaintiffs were entitled to evict the defendants without notice to quit.

SECOND APPEAL by the defendants against the decree of T. Ramasami Ayyangar, Subordinate Judge of Negapatam, in appeal suit No. 425 of 1890, reversing the decree of T. Venkatarama Ayyar, District Munsif of Valangiman, in original suit No. 496 of 1889.

The facts of the case are stated above sufficiently for the purposes of this report.

*Gopalusami Ayyangar* for appellant.

*Desikachuriam* for respondents.

JUDGMENT.—The only question raised in second appeal is whether second defendant is entitled to notice. We think not. The defendants were allowed to occupy on condition of doing certain work. It is found that they did work up to five years ago. On ceasing to do work they were liable to eviction without notice. It is not the case of a tenant but the case of a licensee. This case may easily be distinguished from those in *Abdulla Rawutan v. Subbarayyar*(1) and *Subba v. Nagappa*(2), as in both those cases there was an agreement to pay rent. Here there was no agreement to pay rent, but the mirasidars permitted the defendants to occupy a certain house site so long as they did work. This second appeal fails and is dismissed with costs.

\* Second Appeal No. 893 of 1891.

(1) I.L.R., 2 Mad., 346.

(2) I.L.R., 12 Mad., 353.