

Appellate Jurisdiction. (a)*Referred Case No. 10 of 1873.*VENKATASAMI NAIK *against* SETUPATI AMBALAM

In order to enable a landholder to maintain a suit in the Civil Courts for rent where Madras Act VIII of 1865 requires that pattahs should be tendered, such tender must be made within the Fasli for which rent is sought to be recovered.

THIS was a case referred for the opinion of the High Court by P. P. Hutchins, Acting Civil Judge of Madura, in Appeal Suit No. 184 of 1872. 1874.
May 26.
R. C. No. 10
of 1873.

The suit was brought by the lessee of the Shivaganga Zamindári against a ryot for rent and was dismissed by the Munsif on the ground that a pattah had not been tendered within the Fasli for which rent was claimed. The District Judge referred the question:—Is a suit for rent, brought by a landholder who is bound to give or tender pattahs by Madras Act VIII of 1865, barred if the tender has taken place after the expiration of the Fasli and after a reasonable time has elapsed since its expiration, but within the three years allowed by Clause 1, Section 8 of Act XIV of 1859? In this case tender was made after the expiration of the Fasli, but within the period prescribed by the Limitation Act for suits for rent.

O'Sullivan, for the plaintiff.

The Court delivered the following

JUDGMENT:—According to the opinion of a majority of the Full Bench (b) a landholder is bound to give or tender a pattah within the Fasli.

Appellate Jurisdiction. (c)*Special Appeal No. 279 of 1874.*KUMARASAMY REDDI..... *Special Appellant.*PANNA SOONA MOOROGAPPA CHETTY. *Special Respondent.*

The plaintiff purchased certain property from the 1st and 2nd defendants. The property was subsequently put up for sale by order of the Civil Court in execution of a decree against the 1st and 2nd defendants and was purchased by the 3rd defendant. When the property was

(a) Present: Morgan, C. J. and Kindersley, J.

(b) See ante, page 313.

(c) Present: Innes and Kindersley, JJ.