

Ponnappa Gounder

Vs

V. Kandaswamy and Another

Civil Appeal No. 3686 of 1982

(Kuldip Singh, N.M. Kasliwal JJ)

22.10.1992

JUDGEMENT

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KASLIWAL, J.:-

1. This is a tenant's appeal by grant of special leave against the judgment of the Madras High Court dated 16-2-1982.

2. The respondent-landlords filed a petition for eviction of the appellant from 4.77 acres of agricultural land on account of default in the payment of rent amounting to Rs. 7,500/- . The case of the landlords was that the appellant was cultivating the land on lease on an yearly rent of Rs. 3,000/- . According to the landlords the rent had not been paid since 1970, but they were claiming the arrears of rent of Rs. 7,500/- till the year ending 1978. The appellant came forward with the plea that the yearly rent was Rs. 2,000 /- and not Rs. 3,000/-. The Sub-Collector, Erode held that the rent of Rs, 3,000/ - per year was just and proper. The Sub-Collector also held that the tenant was in arrears to the tune of Rs. 7,500/- on the date of petition and committed wilful default in payment of the arrears of rent without any reason and ordered eviction from the land in question. The appellant aggrieved against the aforesaid judgment filed a revision in the High Court. The High Court affirmed the judgment of the trial Court and held that there was no ground to interfere with the order under revision.

3. We have heard learned counsel for the parties and have gone through the judgment of the High Court. In our view, there is no error in the judgment of the High Court. The question of default in the payment of rent is a question of fact which was decided by the Sub-Collector against the appellant and the said finding has also been affirmed by the High Court. In the result, we find no force in this appeal and the same is hereby dismissed, but no order as to costs.

Appeal dismissed.

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