
(1880) 05 AHC CK 0013

Allahabad High Court

Case No: None

Ram Baran Ram

APPELLANT

Vs

Salig Ram Singh

RESPONDENT

Date of Decision: May 13, 1880

Citation: (1880) ILR (All) 896

Hon'ble Judges: Pearson, J; Oldfield, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Oldfield, J.

The law may be stated to be that trees accede to the soil and pass to the landlord with the land, and unless the tenant uses, during the term of his tenancy, his privilege, where he has it, to remove the trees, he cannot do so afterwards; he would then be deemed a trespasser.

2. In this case the tenant had been ejected by his landlord in execution of a Revenue Court decree for arrears of rent from the land on which the trees stand, forming part of his tenant-holding; his tenancy then terminated and with it all right in the trees or power of dealing with them. The plaintiff bought the tenant's rights and interests after his eviction and cannot maintain the suit for possession of the trees.

3. We cannot allow the contention of the plaintiff's pleader that a tenant in this country has any right in trees standing on the land of his holding as something distinct from and independent of the tenant-right by which he holds the land, so that eviction from the land will not affect his right in the trees. It is difficult to see how he could after eviction assert any such right without being deemed a trespasser. No such right to trees is reserved by the Rent Act to an ejected tenant, the only rights reserved are by Section 42a to the growing crops or other ungathered products of the earth belonging to the tenant, and growing on the land at the time of his ejectment, and the right to use the land for the purpose of tending

and gathering in such crops or other products paying adequate rent therefor. The appeal is dismissed with costs.