

BIMLA WATI

A

v.

MOTI CHANDRA

[SUPREME COURT—(Dyke J.)—29 November 1985]

B

Civil Jurisdiction

*Agricultural Land—application to extend a caveat on title to land in respect of which tenancy had been sought in Agricultural Tribunal—hearing of application therefor continuing—claim of plaintiff founded on share farming agreement—impossible to consider merits of claim or what decision Tribunal would reach—extension of caveat.*

C

R. Krishna for the Plaintiff

C. Gordon for the Defendant

D

Application by plaintiff to the Court for an order extending a caveat lodged in respect of certain land (referred to below) pending determination of proceedings in the Agricultural Tribunal.

Defendant was the registered proprietor of land known as Vinoinoi described as Native Lease No. 16234.

E

On 7 April 1983 the plaintiff applied to the Agricultural Tribunal for a tenancy under the Agricultural Landlord and Tenant Act. The hearing of this application was said to be continuing.

On 8 April 1985 the plaintiff lodged a caveat in respect of the said land.

F

On 15 November 1985 plaintiff was served with a notice by the Registrar of Titles that the caveat would be removed unless there was an order of the Court directing otherwise within 21 days. Thus the plaintiff's application was to the Court for an order extending the caveat pending determination of the proceedings in the Agricultural Tribunal which itself did not have power to do.

G

The basis of the plaintiff's claim to a tenancy was said to be referable to a share farming arrangement between the plaintiff and the defendant.

*Held:* Without more evidence it was impossible to consider the merits of the plaintiff's claim or to form any opinion as to the way the Agricultural Tribunal will decide upon the exercise of its power, not possessed by a Court, to grant a tenancy.

H

If the Native Land Trust Board consented the Agricultural Tribunal if it so decided might grant a tenancy to the plaintiff.

- A The Agricultural Tribunal was to resume the hearing on 10 December 1985. It was right that the caveat be extended pending the determination of the Agricultural Tribunal.

Order extending the caveat in accordance with the application.  
Plaintiff to have costs.

- B DYKE, Mr Justice.

#### Judgment of the Court

The defendant is the registered proprietor of land known as Vinoinoi described in Native Lease No. 16234.

- C On 8/4/85 the plaintiff lodged a caveat in respect of the said land, having on 7/4/83 applied to the agricultural tribunal for a tenancy under the Agricultural Landlord and Tenant Act. The hearing of this application is continuing.

Nevertheless on 15/11/85 the plaintiff was served with a notice by the Registrar of Titles that the caveat would be removed unless there was an order of the Court directing otherwise within 21 days.

- D Hence the plaintiff's application to this Court for an order extending the caveat pending determination of the proceedings in the tribunal—the tribunal itself not having power to do this.

It is also impossible to form any opinion as to which way the tribunal will decide. the tribunal has powers to grant tenancies not possessed by the court. And if the Native Land Trust Board consents, there is no reason why the tribunal, if it so decides, cannot grant a tenancy to the plaintiff.

- E

The tribunal will be resuming the hearing on 10/12/85 and it is right that the caveat be extended pending the determination of the tribunal. It is so ordered, the plaintiff to have costs to be taxed if not agreed.

- F *Judgment for the Plaintiff.*