

1898.  
October 14.

WEERAPERUMAL *et al.* v. DAVOOD MOHAMAD.

C. R., Kandy, 6,642.

*Small Tenements Ordinance, 1882—Notice to quit—Reasonable notice.*

Under the Small Tenements Ordinance, 1882, no notice to quit of any definite length of time is required. But the notice must be reasonable enough to admit of a tenant having an opportunity to secure another house.

A monthly tenancy having commenced from the 15th of the month, a notice dated 12th February, requiring the tenant to quit on the 15th March, is sufficient and reasonable.

THE facts of the case appear in the following judgment.

*H. Jayawardana*, for appellant.

*Dornhorst*, for respondent.

14th October, 1898. BONSER, C.J.—

In this case the defendant, against whom an order of ejectionment was made under the Small Tenements Ordinance, 1882, has appealed, on the ground that the notice to quit was not good.

It appears that the tenancy commenced from the 15th of the month to the 15th of another month, and it was admitted that the tenancy ran from the 15th of the month to the 15th of another month. The notice to quit is dated the 12th February, and required the defendant to give up possession on the 15th March, and his contention is in effect that he had too much grace given him. As I understand the law, no notice of any definite length of time is required. It must be a reasonable notice—reasonably sufficient in the opinion of the Judge to admit of a tenant having an opportunity of securing another house. A month's notice has been in several cases considered reasonable, and in this case the tenant had more than a month's notice. That being so, I think that there is no substance in the defendant's objection, and his appeal is dismissed.

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