

1898.
January 13.

CHELLAPPA v. PONNAMPALAM.

C. R., Jaffna, 23,035.

Co-owners of land—Right of one to share of proceeds of plantation by the other—Planter's liability—His right to the crop.

One of two co-owners of a parcel of land who plants half of it, is bound to give the other, as part owner of the land, his share of the proceeds of the cultivation.

IN this case the defendant, a co-owner with the plaintiff of a parcel of land, had planted half the land. The plaintiff, as part owner of the soil, claimed a share of the crop. The Court below held that the plaintiff was not entitled, and dismissed his claim.

On appeal—

Chitty, for plaintiff, appellant.

13th January, 1898. LAWRIE, A.C.J.—

I am unable to agree with the Commissioner that one of two co-owners who plants half a land, leaving the other half unplanted, can refuse to give his co-owner half of the landowner's share on the produce. Of course, the cultivator is entitled to the whole of that share of the crop which by law and custom appertains to the planter or cultivator, but the owners' share **must be divided among the owners in the proportion of their shares.**

I set aside, and give judgment as claimed, with costs.