

(1903) 10 MAD CK 0008
In the Madras High Court

Bharata Pisharodi

APPELLANT

Vs

Vasudevan Nambudri and Others

RESPONDENT

Date of Decision : 16-10-1903

Acts Referred:

Citation : (1904) ILR (Mad) 1 : (1904) 14 MLJ 65

Judgement

1. It is brought to our notice, that the words "" taking his acknowledgment below "" do not exist in the document which gave rise to the reference and

we deal with the question on the footing that these words are not in the document. There is no unconditional undertaking on the face of the

document to pay the money. It is clear on the face of the document that the undertaking is conditional on the amount being remitted as requested.

The document is, no doubt, similar to that in the case reported in Channamma v. Ayyanna ILR 16 Mad. 283 but we are unable to follow that

decision. We think that the case reported in the foot-note to 23 M. 156 is correctly decided.

2. Following that decision and the decision of the Division Bench of three Judges in the case reported in Dhond v. Atmaram ILR 13 B. 669 we are

of opinion that the document under reference is not a pro-note within the meaning of that term as used in Section 34, Act I of 1879.