

(1896) 02 AHC CK 0008
In the Allahabad High Court

Ghanshiam Singh

APPELLANT

Vs

Daulat Singh

RESPONDENT

Date of Decision : 07-02-1896

Acts Referred:

Citation : (1896) ILR (All) 240

Hon'ble Judges : John Edge, J;Aikman, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

John Edge, Kt., C.J. and Aikman, J.—The only question in this appeal is: Is the plaintiff entitled to have interest upon the rent decreed to him? The defendant being a thekadar, Clause (a) at Section 34 of Act No. XII of 1881 did not apply. The non-application of Clause (a) of Section 34 did not exempt the thekadar from his liability u/s 73 of the Indian Contract Act of 1872. Illustration (w) of Section 73 shows that where a person breaks his contract to pay another a sum of money on a day certain or specified, he is liable for the principal sum due together with interest up to the day of payment. We decree the appeal with costs, and restore the decree of the first Court with costs in all the Courts.