

(1910) 03 BOM CK 0003
In the Bombay High Court

Kasim Ahmed Jewa

APPELLANT

Vs

Narain Chetty

RESPONDENT

Date of Decision : 09-03-1910

Acts Referred:

Citation : (1910) 12 BOMLR 646

Hon'ble Judges : Macnaghten, J;Collins, J;Arthur Wilson, J;Ameer Ali, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

Macnaghten, J.—This is a pure question a fact. Their Lordships see no reason to disturb the judgment of the Court from which the appeal is brought.

2. It does not appear to their Lordships necessary to go into the affirmative case made by Mr. De Gruyther. It is enough to say that in their Lordships' opinion the judgment of the Chief Court of Lower Burma is right, and their Lordships agree with it for the reasons which they have given, and which it is not necessary for their Lordships to repeat.

3. With reference to the two clerks, their evidence is not sufficient to support the defendants' case. The evidence is extremely weak. They say it is customary to endorse on a promissory note the payments made on account. There is no endorsement on the promissory note, and there is no corroboration of their statement, which is positively denied on the other side.

4. Their Lordships will, therefore, humbly advise His Majesty that the appeal must be dismissed. The appellant will pay the costs of the appeal.

5. The judgment of the Chief Court will be amended by the providing for interest subsequent to the decree in accordance with the prayer of the petition presented by the respondents.