

(1887) 01 AHC CK 0011
In the Allahabad High Court

Lachman Das

APPELLANT

Vs

Parshotam Lal and Another

RESPONDENT

Date of Decision : 21-01-1887

Acts Referred:

Citation : (1887) ILR (All) 252

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

Bench : Division Bench

Final Decision : Allowed

Judgement

John Edge, Kt., C.J.—In this case the defendant No. 1 executed three different hundis on the same date, in favour of the defendants Nos. 2, 3 and 4, who constituted a firm. They were all payable at the same time. The first hundi was for Rs. 1, 133-7, and the second and third were for Rs. 1, 054-5 respectively. These three hundis were assigned by the defendants Nos. 2, 3 and 4 to the Plaintiff, and not having been paid on maturity, the Plaintiff brought this action upon them.

2. The defendant No. 1, who is appealing here, has paid court-fees calculated upon the total amount of the three hundis. The question is whether the amount of the court-fees as calculated is sufficient, or whether the defendant No. 1 is not bound, u/s 17 of the Court-fees Act, to pay a court-fee based on the amount of each of the hundis separately.

3. Now it is argued that these three hundis only-make one cause of action. That I cannot understand. It is admitted that the Plaintiff might bring three separate actions on these hundis, and each hundi would afford a separate cause of action. The suit embraces three separate and distinct subjects, and I am of opinion that the memorandum of appeal is chargeable with the aggregate amount of the fees to which the memoranda of appeal in suit embracing separately each of such subjects would be liable under the Court-fees Act. Therefore my answer to the reference is, that as the proper amount of court-fees has not been paid in this

case, the appeal cannot be admitted unless the proper fee is paid. A fortnight will be allowed for making up the deficiency.

Oldfield J.

4. I concur.