

(1924) 02 MAD CK 0062
In the Madras High Court

Mamillapalli Veeresalingham and Others	APPELLANT
Vs	
Ponnukollu Kondayya	RESPONDENT

Date of Decision : 04-02-1924

Acts Referred:

Citation : 79 Ind. Cas. 869

Hon'ble Judges : Wallace, J

Bench : Single Bench

Judgement

Wallace, J.—The only point raised before me is whether the mortgage is void on the ground that its registration was effected by a fraud on the registering officer, in as much as the mortgagor intentionally included therein for purposes of registration property which did not belong to him. There is no allegation that the mortgage was aware of the fraud and shared in it. In these circumstances I must accept the ruling of a Bench of this Court in Sri Rajah Dantuluri Devi Prasada Satyanarayana Veerabhadra Venkata Lakshmikantaraju Garu Vs. Sri Rajah Dantuluri Peda Venkata Jagannatha Raju Garu and Others, following Harendra Lal Boy Ghowdury v. Baridasi Bibi 23 Ind. Cas. 637 : 41 C.p 972 : 27 M.L.J. 80 : (1914) M.W.N. 462 : 16 M.L.T. 6 : 18 C.W.N. 817 : 19 C.L.J. 484 : 16 Bom. L.R. 400 : 12 A.L.J. 774 L.W. 1050 : 41 I.A. 110 Biswanath Prasad v. Chandra Narayan Ghowdhury 63 Ind. Cas. 770 : 48 C.P 509 : 48 I.A. 127 and Pahlad Lal v. Laraiti 48 Ind. Cas. 200 : 41 A.P 22 : 16 A.L.J. 871 that where no collusion by the mortgage to assist a fraud by the mortgagor in respect of the registration of the document has been made out, the registration is not invalid, at least so far as the interests of the mortgage are concerned. The decree of the lower Appellate Court is, therefore, right and this Second Appeal is dismissed with costs. Time for payment is extended up to 16th April 1924.