
(1916) 09 MAD CK 0009
In the Madras High Court

Nagappa Chettiar and Others

APPELLANT

Vs

Chidambaram Chettiar and Others

RESPONDENT

Date of Decision : 12-09-1916

Acts Referred:

Citation : 36 Ind. Cas. 812 : (1916) 4 LW 455 : (1916) 31 MLJ 687

Judgement

1. The question when an agency is terminated is a question of fact. Whether in a particular case it terminated when the agent left Rangoon or any

other foreign place to which he was sent is a question of fact. The case in Ramanathan Chatty through his next friend Valliammaiachi Vs. Kasi alias

Kathiresan Chetty and Others, has, we are afraid, been misunderstood. That decision did not lay down as a matter of law that on the expiry of the

three years mentioned in the salary chit the agency comes to an end ipso facto. As we have said in the judgment which we delivered this morning in

Appeal No. 205 of 1915 Ramanathan Chatty through his next friend Valliammaiachi Vs. Kasi alias Kathiresan Chetty and Others, , all that the

salary chit means is that the agency must last for three years certain and it may be that the parties expect the agency to close at the end of three

years. In this case there is an allegation that at the end of the agency business, the agent came back, but it is to be noted that that termination is

stated to be the sending of a new man, which often happens to be within 3 years period. The learned Subordinate Judge in the Court below treats

the question of the termination of the agency as a question of law and has not taken any evidence. We think he is wrong in that. We must allow the

appeal and remand the suit for disposal according to law.

2. In deciding on the question of the termination of the agency, the practice of

Nattukottai Chetties in this matter, the period for which the agent is entitled to salary or other terms of the engagement between the parties usually understood from the relation of principal and agent in carrying on money lending business in foreign places among chetties would all be relevant-Costs will abide.