
(1909) 07 MAD CK 0014
In the Madras High Court

P. Velayuda Naicker and Others

APPELLANT

Vs

Haider Hussain Khan Saheb and Another

RESPONDENT

Date of Decision : 13-07-1909

Acts Referred:

Transfer of Property Act, 1882 — Section 84

Citation : (1910) ILR (Mad) 100 : 3 Ind. Cas. 729

Hon'ble Judges : Ralph Benson, O.C.J.; Sankaran Nair, J

Bench : Division Bench

Judgement

1. The Judge has found, and his finding is not disputed before us, that there was a genuine and unconditional offer by the agent of the mortgagor to

pay the mortgagee the amount due to him. The agent had the money with him. The mortgagee refused to receive the amount that was so tendered.

u/s 84 of the-Indian Transfer of Property Act interest on the principal money shall cease to run from the date of the tender, and the Judge has

disallowed interest from such date. It is contended before us that it is proved in this case that the money tendered to the Mortgagee was received

from a, person who had agreed to purchase the property from the mortgagor after redemption and as he received back his money after the

mortgagee refused " to accept the tender, it cannot be, said that the plaintiff, mortgagor, from the date always kept the money ready for payment

and that, therefore, the interest must run on and the cases of Gyles v. Hall 2 P.W. 378; Satyabadi Behara v. Musammat Harabati 5 C.L.J. 192 and

Jagat Tarini Dasi v. Naba Gopal Chuki 5 C.L.J. 270 are relied upon.

2. We are bound by the terms of Section 84" of the Transfer of Property Act, and, as already pointed out, under that section, interest shall cease

from the date of tender"". The word tender does not in itself imply that he must have been always ready to pay the money. It is not alleged in this case that there was a subsequent demand by the mortgagee for the amount and that the mortgagor failed to pay. We, therefore, think the Judge is right in disallowing interest and we dismiss the appeal with costs.