

(1923) 03 MAD CK 0066
In the Madras High Court

Ramakrishna Annavi

APPELLANT

Vs

Pichandi Chettiar

RESPONDENT

Date of Decision : 26-03-1923

Acts Referred:

Citation : AIR 1924 Mad 123 : 74 Ind. Cas. 777

Hon'ble Judges : Phillips, J

Bench : Single Bench

Judgement

Phillips, J.—The evidence of plaintiff's witnesses shows that the payment was made towards principal and interest. If any portion was paid towards interest the ruling in Lodd Govindass Krishnadass v. Rukmani Bhai 21 Ind. Cas. 302 : 38 M. 438 : 14 M.L.T. 310 : 1 L.W. 529, is inapplicable and I agree with the decisions reported in Mohan Shaha v. Lakshu Karikir 6 Ind. Cas. 16, and Subraya Kamati v. Pakaya 4 Bom. L.R. 231, that the payment of interest saves limitation even though a part of the principal is paid at the same time. The Subordinate Judge has not, however, decided the question of whether the payment was made on the date alleged in the plaint. The suit is accordingly remanded for disposal in the light of the above remarks. The costs will abide the result.