

(1915) 09 MAD CK 0076
In the Madras High Court

Raman Chetty

APPELLANT

Vs

Nagappa Chetty

RESPONDENT

Date of Decision : 16-09-1915

Acts Referred:

Stamp Act, 1899 — Section 44

Citation : AIR 1916 Mad 672 : 31 Ind. Cas. 285 : (1915) 2 LW 1024

Hon'ble Judges : Sadasiva Aiyar, J;Phillips, J

Bench : Division Bench

Judgement

1. We think that Section 44 of the Stamp Act was intended to give a right to an innocent party, who himself was not guilty of any default in the matter of the proper stamping of a document, to recover the duty or penalty he was obliged to pay, from the person or persons guilty of the default and that it was not intended to enable one of several persons, who were under a common duty to pay the proper stamp in proportionate shares, to claim recovery of the proportionate amount of the duty or penalty the whole of which he was afterwards obliged to pay owing to the common default. In this view, it is unnecessary to consider the question of limitation, and we dismiss the Letters Patent Appeal with costs.