

(1908) 02 MAD CK 0022
In the Madras High Court

Randupurayil Kunhisore, Karnavan and Another	APPELLANT
Vs	
Neroth Kunhi Kannan and Others	RESPONDENT

Date of Decision : 04-02-1908

Acts Referred:

Citation : 1 Ind. Cas. 207

Hon'ble Judges : Arnold White, C.J;Wallis, J;Sankaran Nair, J

Bench : Full Bench

Judgement

1. We are of opinion that Section 7 of the Act of 1887, which is reproduced as Section 19 of the Act of 1900, precludes parties from contracting

themselves out of the Act by any contract made after first January 1886, but that it does not affect the validity of contracts made prior to 1st

January 1886, whether the improvements were made before or after the coming into operation of the Act of 1887. As regards Viru Kammad v.

Mrishnan 21 M.k 149, a reference to the printed papers shows that the contracts of the defendants, other than the sixth defendant, were, in fact,

made after first January 1886. We are unable to agree with the decision in Malikan v. Shankunni 13 M.k 502.

2. Our answer to the question which has been referred to us is that in the case of a contract made prior to 1st January 1886, the rate of

compensation is governed by the terms of the contract.