

(1902) 12 BOM CK 0007
In the Bombay High Court

Sakharam Shankar and Others

APPELLANT

Vs

Ramchandra Babu Mohire

RESPONDENT

Date of Decision : 22-12-1902

Acts Referred:

Citation : (1904) ILR (Bom) 181

Hon'ble Judges : Chandavarkar, J;Batty, J;Aston, J

Bench : Full Bench

Judgement

Chandavarkar, J.—In our view of the law the Subordinate Judge was right in looking at the document as it stands in determining the question whether it is sufficiently stamped and in treating it as properly stamped as a bill of exchange: see *Ramen Chetty v. Mahomed Ghouse* (1889) 16 Cal. 432; *Royal Bank of Scotland v. Tottenham*. A defect if any, in the Stamp Act cannot be cured by construing a document to be other than what it is or purports (1894) 2 Q.B. 715 to be.

2. The Revenue Commissioner should be informed that in making a reference to this Court under the Stamp Act the original document should be sent with the reference. In this case the original document has not been sent and we have had to look at a certified copy.