

(1897) 11 MAD CK 0022
In the Madras High Court

Subbaraya Ravuthaminda Nainar

APPELLANT

Vs

Ponnusami Nadar and Others

RESPONDENT

Date of Decision : 16-11-1897

Acts Referred:

Citation : (1898) ILR (Mad) 364

Hon'ble Judges : Subramania Ayyar, J; Davies, J

Bench : Division Bench

Judgement

1. As to the plea of discharge it is dismissed under our judgment in Subbaraya Ravuthaminda Nainar v. Ponnusami Nadar Appeal No. 48 of 1896

unreported. As to the rate of interest allowed by the Subordinate Judge his decree must be modified by directing that the twelve per cent, per

annum, the contract rate, be allowed only for the six months within which payment was ordered by the decree [see our judgment in Subbaraya

Ravutha-minda Nainar v. Ponnusami Nadar Appeal No. 13 of 1896 unreported and Surya Narain Singh v. Jogendra Narain Roy Chowdhury ILR

20 Cal. 360. Subsequent to that period, the plaintiff is entitled, in our opinion, to interest at six per cent, per annum, and it will be so decreed

Poresh Nath Mojumdar v. Ramjodu Mojumdar ILR 16 Cal. 246 and Achalabala Bose v. Surendra Nath Dey ILR 24 Cal. 766. the ruling in

Amolak Ram v. Lachmi Narain ILR 19 All. 174 notwithstanding. The parties will bear their own costs.