

(1879) 03 AHC CK 0010

Allahabad High Court

Case No: None

Gobindi

APPELLANT

Vs

Ahmad Bakhsh

RESPONDENT

Date of Decision: March 27, 1879

Citation: (1880) ILR (All) 218

Hon'ble Judges: Spankie, J; Pearson, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Pearson, J.

In the bond executed in favour of the defendant, appellant, there was no stipulation preventing the debtor from repaying the loan advanced to him at any time within the six months after which it was reclaimable. This being so, it cannot be said that any portion of the interest accruing on the principal was secured for certain, in the sense that it could be definitively calculated and taken into account at the date of the execution of the deed. The only amount certainly secured was the principal which was below Rs. 100. The bond did not therefore need to be registered; but having been registered is entitled to take effect against the unregistered bond executed in the plaintiff's favour. The property was moreover first attached by the defendant, appellant, who, for that reason as well as because his bond is registered, is entitled to preference over the plaintiff, respondent. We accordingly decree the appeal with costs of all Courts, reversing the decree of the lower Courts, and dismiss the suit.