

(1871) 05 CAL CK 0003

Calcutta High Court

Case No: None

Dwarkanath Mitter

APPELLANT

Vs

S.M. Sarat Kumari Dasi

RESPONDENT

Date of Decision: May 3, 1871

Judgement

Phear, J.

It seems to me that Mr. Evans' contention must prevail. I cannot separate this letter from the transaction of the deposit of the title-deeds. It explains why the deeds are deposited, and states that the deposit is made as a collateral security for Rs. 20,000. This is not a case in which the charge on land is implied from the deposit of the deeds themselves, neither is it a case where the charge or the equitable mortgage is made expressly by parol. But it is, as I understand the plaint itself, a case where the basis of the plaintiff's claim is a written document signed by the owner of the property, and it appears to me that the document, and nothing else, creates the charge. It is therefore such a document as ought to be registered under the terms of the Registration Act, and cannot be admitted in evidence unless it is registered.