

Amid (Hamid) Ali and Others Vs Abdul Mea Mozumdar and Others

Court: Calcutta High Court

Date of Decision: Aug. 3, 1917

Citation: 42 Ind. Cas. 616

Hon'ble Judges: Newbould, J; Fletcher, J

Bench: Division Bench

Judgement

1. This appeal must fail on the findings of fact made by the learned Judge of the lower Appellate Court. It is quite clear that, on those facts, the

plaintiffs' document being registered within the time limited by the Registration Act had priority over the document under which the defendants

claimed.

2. It is urged also that the interest was penal. No issue was raised on this point and the point does not arise for our decision. In any event, this

contract about interest, in the absence of any evidence of extortion or that the interest itself is so high that it amounts to extortion, is a valid

contract.

3. The appeal fails and is dismissed with costs.