

(1917) 08 CAL CK 0055

Calcutta High Court

Case No: None

Amid (Hamid) Ali and Others

APPELLANT

Vs

Abdul Mea Mozumdar and
Others

RESPONDENT

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.