

(1880) 12 CAL CK 0020

Calcutta High Court

Case No: None

In Re: Maharajah of
Durbhungah and
Others

APPELLANT

Vs

RESPONDENT

Date of Decision: Dec. 17, 1880

Acts Referred:

- Stamp Act, 1899 - Section 3(9)

Citation: (1881) ILR (Cal) 21

Hon'ble Judges: Richard Garth, C.J; Pontifex, J; Morris, J

Bench: Full Bench

Judgement

Richard Garth, C.J.

We think that the instrument in question is already sufficiently stamped.

2. It is neither a "conveyance," nor a "settlement," nor an "instrument of partition," within the meaning of Act I of 1879.

3. It is in its nature a deed of arrangement, by which a sum of money was paid absolutely, and a maintenance grant made by the Maharajah of Durbhungah to his younger brother, by way of discharge and satisfaction of all claims, by way of maintenance or otherwise, to which the latter was entitled as the son of the late Maharajah.

4. The instrument would, no doubt, have been a "conveyance" under the Stamp Act of 1869, because it is a deed by which property is conveyed inter vivos; but the definition of a conveyance in the Act of 1879 [see Section 3 (9)] excludes all transfers or conveyances, which are not made by way of sale and this transfer, we consider, was clearly not made by way of sale.