

(1878) 05 CAL CK 0019

Calcutta High Court

Case No: None

Jungle Singh

APPELLANT

Vs

Khoob Lall and
Another

RESPONDENT

Date of Decision: May 13, 1878

Citation: (1878) ILR (Cal) 788

Hon'ble Judges: McDonell, J; Broughton, J

Bench: Division Bench

Judgement

McDonell, J.

The plaintiff sued to recover 994 rupees 5 annas 9 pie principal, with interest, under a teep executed by the defendants. Both the lower Courts have decreed the plaintiff's claim. In special appeal it is urged that the Courts below should have held that the teep on which the plaintiff relies is a promissory note and being insufficiently stamped as such is inadmissible in evidence.

2. On the appeal being taken up a preliminary objection was raised that no appeal lies in this case, inasmuch as where a document is admitted by the first Court as not requiring a stamp, its inadmissibility cannot be questioned in appeal. Various rulings of these Courts have been cited in support of this objection; and it appears to us that the ruling in Enayetoolah v. Shaik Meajan 16 W.R. 6 is on all fours with the present case. Therefore, following that ruling, we hold that the preliminary objection must prevail.

3. The appeal is dismissed with costs.