

Privy Council Appeal No. 47 of 1923.

Patna Appeal No. 47 of 1923.

Lachhmi Narayan Agarwala and others *Appellants*

v.

Rameshwar Prasad Singh and others *Respondents*

FROM

THE HIGH COURT OF JUDICATURE AT PATNA.

JUDGMENT OF THE LORDS OF JUDICIAL COMMITTEE OF THE PRIVY
COUNCIL, DELIVERED THE 26TH JUNE, 1924.

Present at the Hearing :

LORD DUNEDIN.

LORD SHAW.

LORD CARSON.

LORD BLANESBURGH.

SIR JOHN EDGE.

[*Delivered by* LORD DUNEDIN.]

In this case, which has been heard *ex parte*, Sir George Lowndes has said everything that could be said on behalf of the appellants, but he has not created any doubt in their Lordships' minds that the judgment of the High Court at Patna was right. It is clear to their Lordships that the proviso (a) of section 35 of the Indian Stamp Act 1899 is of equal ambit with the body of the section, and that just as an instrument cannot be acted upon, that is to say, nothing can be recovered under it unless it has a proper stamp, so the proviso provides that if there is not a proper stamp it may be put on afterwards on payment of a penalty and the instrument then becomes effective.

Their Lordships will humbly advise His Majesty that the appeal be dismissed.

In the Privy Council.

LACHMI NARAYAN AGARWALA AND OTHERS

vs.

RAMESHWAR PRASAD SINGH AND OTHERS.

DELIVERED BY LORD DUNNEDIN.

Printed by
Harrison & Sons, Ltd., St. Martin's Lane, W.C.2,
1924.

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