

Sitaram Krishna Vs. Daji Devaji

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Court : Mumbai

Decided On : Jul-19-1883

Reported in : (1883)ILR7Bom418

Judge : West and ;Nanabhai Haridas, JJ.

Appellant : Sitaram Krishna

Respondent : Daji Devaji

Judgement :

West, J.

1. In this case a document not requiring attestation by law was attested. After it had been delivered to the obligee, he seems to have got another attesting signature added to it by a man who had not, in fact, witnessed the execution of it by the obligor. The alteration was, at any rate, made while the obligee had the bond, and he was primarily liable for its preservation untampered with. With reference to *Aldous v. Cornwell* L.R. 3 Q.R. 578 however, and cases of that class the question arises, whether the addition was immaterial, and being immaterial had no effect in vitiating the security. Any change in a document varying the liability under it in any way is a material alteration: see *Gogun Chunder Ghose v. Dhuronidhur Mundal* I.L.R.7 Cal. 616 and *Master v. Millar* Sm. L. Cas I 871 (1876) and Cases referred to in the commentary in *Smith's Leading Cases* but we think an alteration in a document stating a falsehood, either expressly or by implication,

by way of increasing the apparent evidence of its genuineness is also a material alteration--Suffell v. Bank of England L.R. 9 Q.B.D. 555. Otherwise a promisor's initials might be converted into his full signature. The alterations would not be employed by the parties unless they thought them important; and as testimony is received of a witness' signature when he cannot be called, the plaintiff, who gets such a signature annexed by one who did not see the execution, wrongfully obtains a means of deceiving a Court, should the claim be resisted.

2. For these reasons we agree with the Subordinate Judge that the plaintiff here could not sue on the bond or promissory note materially altered while in his keeping by the addition of a false attesting signature.

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