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In Re: Reference Under Act No. I of 1879 (Indian Stamp Act), Section 49

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SooperKanoon Citation : sooperkanoon.com/447280

Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1895)ILR17All211

Judge : John Edge, Kt., C.J.,; Mahmood and ;Knox, JJ.

Appellant : In Re: Reference Under Act No. I of 1879 (Indian Stamp Act), Section 49

Judgement :
ORDER

John Edge, Kt., C.J. and Mahmood and Knox, JJ.

1. The case reported in I.L.R. 10 Mad. 158, does not apply to the facts of this case. The document in this case is not in our opinion 'attested by a witness' within the meaning of Clause (b) of Sub-section (4) of Section 3 of Act No. I of 1879. What is said to be an attestation is merely a statement in writing by the scribe of the document that the document was correct and was written by his pen. We therefore answer the question referred to us by saying that the document in question cannot be treated as a bond as denned in Clause (b) of Sub-section (4) of Section 3 of Act No. I of 1879.

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