

Pratap Narain Vs. Jute Mills

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Court : Allahabad

Decided On : Apr-26-1927

Reported in : AIR1927All653

Appellant : Pratap Narain

Respondent : Jute Mills

Judgement :

Walsh, J.

1. This appeal must succeed. On the findings of the Court below the case is unarguable. The plaintiff and defendant had dealings together and the defendant was in the habit of paying the plaintiff's servants. The plaintiff's servant Ram Nath presented forged bill on which the defendant paid. The learned Judge in the Court below has found that if it had been a genuine bill the payment would have been a good payment. A man who does a thing through an agent does it himself in the eyes of the lay and therefore the presentation of the forged bill was just as much the act of the principal as the genuine bill, as was said in the leading case of *Barwick v. English Joint, Stock Bank* [1867] 2 Ex. 259:

It is true that the principal has not authorised the particular act, but he has put the agent in his place to do that class of acts and he must be answerable for the manner in which the agent has conducted himself in doing the business which it was the act of his master to place him in.

Ashworth, J.

2. I agree with the view of my learned brother on the law, but would point out that the evidence did not established that this particular servant Ram Nath had ever been entrusted with the duty of presenting bills to the defendant firm, but merely that other servants in the employ of the plaintiffs of no superior degree to this occasions with the duty of presenting bills. On this evidence I hold that the lower appellate Court had some evidence to support a finding to fact that the presentation of the bill by Ram Nath, even though not within the scope of his actual authority, was within the scope of his apparent authority.

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