

Pakuru Dasu Vs. Bheemudu

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SooperKanoon Citation : sooperkanoon.com/780916

Court : Chennai

Decided On : Sep-01-1902

Reported in : (1903)13MLJ133

Appellant : Pakuru Dasu

Respondent : Bheemudu

Judgement :

1. Section 22 of the Abkari Act 1 of 1886 imposes a duty on the lessee or assignee, that is, on the defendant, not the plaintiff in this case; but Clause 21 of the plaintiff's license which is issued under Section 24, Clause (e) of the Act, imposes the duty on the plaintiff also as grantee of Government to obtain the Collector's license for his lessee, the defendant.

2. Thus there was a legal duty on the part of both the plaintiff and the defendant to obtain the Collector's permission to the sub-letting. They failed to do so, and the contract entered into between them that defendant should sell arrack was illegal, and the plaintiff therefore cannot sue on it.

3. We dismiss the second appeal with costs.