

In Re: Reference Under Stamp Act, Section 46

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SooperKanoon Citation : sooperkanoon.com/782471

Court : Chennai

Decided On : Feb-01-1898

Reported in : (1898)ILR21Mad422

Judge : Arthur J.H. Collins, C.J. and ;Davies, J.

Appellant : In Re: Reference Under Stamp Act, Section 46

Judgement :

1. The first case is clearly distinguishable from that decided in 1884--[Reference under Stamp Act, Section 46 I.L.R. 7 Mad. 349 for there, there was an absolute and unqualified disposition of property by way of gift. Here there was a provision merely for the life of the donee with reversion to the settlor and his heirs. We think this document (No. 417 of 1897) is a settlement within the meaning of the Stamp Act.

2. The other document No. 1364 of 1897 is certainly neither a settlement nor a gift. There was consideration other than that of marriage. We think it must be treated as a conveyance and stamped accordingly.