

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of
Gangaram Biharilal v. The Firm of
Shriram Shaligram from the Court of the
Judicial Commissioner, Hyderabad Assigned
Districts; delivered the 8th May 1906.*

Present :

LORD MACNAGHTEN.

SIR ANDREW SCOBLE.

SIR ARTHUR WILSON.

SIR ALFRED WILLS.

[*Delivered by Lord Macnaghten.*]

THEIR Lordships do not think it necessary to call on the Respondents in this case.

The case appears to their Lordships to be perfectly clear according to the terms of the Mortgage Deed of the 13th January 1892. They are of opinion that the Judgments of the Lower Court and of the Judicial Commissioner are quite correct.

The claim on the part of the Appellant (the Mortgagor) is really almost absurd. He contends that in consequence of his default he should get off on easier terms than if he had acted according to the Deed. It is plain that interest must run, according to the terms of the Deed, until the date of the Decree, and that the commission payable under the Mortgage Deed is not dependent on the continued employment of a Receiver. The commission did not cease to be payable because the Mortgagees thought it unnecessary for their own protection, or inexpedient, having regard to the Mortgagor's conduct, to keep the Receiver superintending the business.

Their Lordships will, therefore, humbly advise His Majesty that the Appeal should be dismissed, and the Appellant must pay the costs.

