

Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Lingam Krishna Bhupati Devu Garu v. Sri Mirza Sri Pusapati Vijayarama Gajapatiraj Maharaja Manyu Sultan Bahadur of Vizianagaram, from the High Court of Judicature at Madras; delivered the 15th February 1911.

PRESENT AT THE HEARING :

LORD MACNAGHTEN.

LORD ROBSON.

SIR ARTHUR WILSON.

MR. AMEER ALI.

[DELIVERED BY LORD MACNAGHTEN.]

It seems to their Lordships that this case is perfectly clear and the judgment appealed from perfectly right.

The mortgagee advanced a large sum of money on terms very favourable to the mortgagor. At the same time he retained the position of a simple mortgagee. That is so expressed in the deed itself. The mortgagor has not fulfilled the obligations he undertook. After prolonged forbearance and fifteen years after the mortgage was made, the mortgagee, whose interest is greatly in arrear, comes forward and says : " I am a simple mortgagee," and he asks the Court to enforce his rights. The decree was a matter of course.

Their Lordships will therefore humbly advise His Majesty to dismiss the Appeal and the Appellant must pay the costs.

In the Privy Council.

LINGAM KRISHNA BHUPATI DEVU
GARU

2.

SRI MIRZA SRI PUSAPATI VIJAYA-
RAMA GAJAPATIRAJ MAHARAJA
MANYA SULTAN BAHADUR OF
VIZIANAGARAM.

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