

ORIGINAL JURISDICTION (a)

In Chambers.

Original Suit No. 312 of 1871.

DESOUZA *against* RANGAIAN.

Under the Summary Procedure in Bills of Exchange Act (V of 1886) the plaintiff is entitled to claim by his summons and obtain by his decree whatever sum, principal and interest, is, on the legal construction of the instrument, demandable.

IN the matter of this suit *Champion (Messrs. Grant and Champion)* moved this day for an order directing the Registrar to enter in the summons to be issued in the said suit against the defendant a claim for interest at the rate of 12 per cent. per annum ; the Registrar having refused to insert such claim, because the note sued on did not bear interest on the face of it.

1871.
June 8.
O. S. No. 312
of 1871.

HOLLOWAY, J.—I entertain no doubt, and I believe that every Judge of the Court concurs with me, that, under the Summary Procedure in Bills of Exchange Act, the party is entitled to claim by his summons and obtain by his decree whatever sum, principal and interest, is, on the legal construction of the instrument, demandable. If, in a regular suit, interest would, on the construction of the instrument, be given, then it is claimable and obtainable in this summary process. As to interest beyond the scope of the instrument the question is a different one, and, as I think, out of the scope of the Act.

(a) Present : Holloway, J.