

**Potluri Rangarao Vs. Sait Chowgmal Vardichand and Co.**

**LegalCrystal Citation :** [legalcrystal.com/793606](http://legalcrystal.com/793606)

**Court :** Chennai

**Decided On :** Mar-23-1934

**Reported in :** AIR1934Mad560; 152Ind.Cas.262

**Appellant :** Potluri Rangarao

**Respondent :** Sait Chowgmal Vardichand and Co.

**Judgement :**

ORDER

Pandrang Row, J.

1. The petitioner as defendant in the lower Court resisted the respondent-plaintiff's claim based on a promissory note executed by the petitioner on the ground that he was a minor at the time the note was executed by him and was therefore not bound by it. The learned Subordinate Judge while finding that the petitioner was a minor at the time held that he was estopped from raising the plea of minority and decreed the suit against him. It is well settled that there is no estoppel at all in a case of this kind and the decree is not attempted to be supported by the respondent's advocate on the ground of estoppel. On an application for review made by the petitioner to the lower Court the Subordinate Judge himself held that there was no estoppel but declined to review the decree on the ground that the minor was bound to restore the money received by him by fraudulent misrepresentation about his age. No allegation of fraud was made in the plaint; even otherwise no suit will lie for recovery of money paid to a minor on his executing a promissory note on the ground that the minor obtained the money by fraud. The authorities are clear on the point and it is enough to refer to R. Leslie Ltd. v. Shell (1914) 3 K.B. 607, the principle given effect to in which was approved by the Judicial Committee in Mahomed Syedal v. Yeoh 1916 P.C. 242.

2. In the present case the claim was based entirely on the promissory note and as the contract embodied in this note is clearly void the suit should have been dismissed on this ground. The decree of the Subordinate Judge, Masulipatam, dated 14th November 1930, in S.C. No. 27 of 1930, on his file is therefor set aside and the suit is dismissed with costs. The respondent must pay the petitioners's costs in this petition also and bear his own.