

Madras High Court

Ponnammal vs Kalithitha Moodelly on 14 October, 1902

Equivalent citations: (1903) 13 MLJ 143

JUDGMENT

1. The only point argued before us is that the mortgage in plaintiff's favour was not proved by examining at least one attesting witness as provided in Section 68 of the Indian Evidence Act.
2. No objection was taken to the admissibility of the document when tendered as evidence in the lower Court. If objection had been taken, the defect, if any, would no doubt have been cured. We cannot allow the objection to be now taken after it was waived in the lower Court.
3. We dismiss this appeal with costs.