

(1880) 04 AHC CK 0018

Allahabad High Court

Case No: None

Gumani

APPELLANT

Vs

Ram Padarath Lal and
Others

RESPONDENT

Date of Decision: April 14, 1880

Citation: (1880) ILR (All) 838

Hon'ble Judges: Robert Stuart, C.J; Straight, J

Bench: Division Bench

Judgement

Straight, J.

Section 43 of Act X of 1877, as amended by Act XII of 1879, is more apposite to the present case than s. 13. An obligation and a collateral security for its performance constitute the cause of action, and a plaintiff cannot be permitted to sue first in respect of the money-debt due on a bond hypothecating property, and afterwards, in respect of the same cause of action, for enforcement of lien. The appeal is dismissed with costs.