

(1878) 04 CAL CK 0002

Calcutta High Court

Case No: None

Koylash Chunder Dass

APPELLANT

Vs

Boykoonto Nath
Chundra and Others

RESPONDENT

Date of Decision: April 4, 1878

Citation: (1878) ILR (Cal) 619

Hon'ble Judges: L.S. Jackson, J; Chunningham, J

Bench: Division Bench

Judgement

L.S. Jackson, J.

Answering simply the question put to us, we think we are bound to say that Article 75 of the Indian Limitation Act of 1877 docs not apply, according to its strict terms, to a suit brought upon a verbal contract. But it appears to us that the question does not really arise in the present suit, because we think plaintiff was not bound, but only had the option, to avail himself of the clause enabling him to sue at once for the whole amount due on the failure to pay the particular instalments, and in point of fact, the money did not otherwise become due except on the falling duo or arrival of the date of the successive instalments.