

(1878) 01 CAL CK 0009

Calcutta High Court

Case No: None

Gobind Ram Marwary

APPELLANT

Vs

Mathoorra Sabooya
and Others

RESPONDENT

Date of Decision: Jan. 11, 1878

Citation: (1878) ILR (Cal) 339

Hon'ble Judges: Kennedy, J; Jackson, J

Bench: Division Bench

Judgement

Jackson, J.

The lower Appellate Court dismissed the appeal of the plaintiff, and, it may be said, virtually dismissed his suit, on the ground that notice--that is to say, formal written notice--of dishonour had not been served on the defendants. Now, neither the case which the lower Appellate Court cites, Anunt Ram Agurwala v. Nuthall 21 W.R. 62 nor any other case, has been brought to our notice which decides that in this country either a written formal notice of dishonour is necessary, or that the absence of such a notice would be a sufficient defence unless it is shown that by such absence the defendant has been prejudiced. So far, therefore, the judgment of the lower Appellate Court appears to be erroneous, and must be set aside. [The learned Judge then proceeded to consider the other points in the case, and with reference to them, the case was remanded to the lower Appellate Court.]