

**(1869) 06 CAL CK 0029**

**Calcutta High Court**

**Case No:** None

Kasublal Day

APPELLANT

Vs

C.E. Tremearne

RESPONDENT

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**Date of Decision:** June 24, 1869

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**Judgement**

Phear, J.

I have no doubt that I can entertain Mr. Marindin's application. I think the proper course under the Act as so much of the written statement is irrelevant will be to order it to be taken off the file. It seems to me that the matters alleged in paragraphs 2 to 8 of the written statement, are not only irrelevant, but the defendant ought not to have suggested them. I think written statements ought to set out the bona fide nature of the defence and nothing else. Parties must be held to the true meaning of the Act, and I have no hesitation in saying that the matter in question is not only irrelevant but mischievous. With regard to the indebtedness, I think it is irrelevant, unless you state it was unknown to you before. The written statement must be taken off the file with leave to file a fresh one in a week. The defendant to pay the costs of this application.