

(1867) 01 CAL CK 0001

Calcutta High Court

Case No: None

Hurronath Roy and Others

APPELLANT

Vs

Maheroollah Mollah

RESPONDENT

Date of Decision: Jan. 8, 1867

Judgement

Sir Barnes Peacock, Kt., C.J., Kemp, L.S. Jackson and Markby, JJ.

We are of opinion that the view taken by the Judge of the Small Cause Court is the correct one. The suit is brought upon the bond itself, and not upon any fresh agreement alleged to have been come to between the parties. Under these circumstances, we are of opinion that limitation did run from the time when default was made in the payment of the first installment, in consequence of which the whole amount became due. It is unnecessary for us to express any opinion as to the correctness of the decision to which reference has been made by the Judge of the Small Cause Court.

Norman, J.

I entirely agree. I had occasion to consider this question in the case of Breen v. Balfour Bourke's Rep., 120.