

(1869) 06 CAL CK 0030

Calcutta High Court

Case No: None

Kelly

APPELLANT

Vs

Kelly and Saunders

RESPONDENT

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**Date of Decision:** June 15, 1869

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### Judgement

Phear, J.

It is one of the rules of English evidence that evidence cannot be given to contradict irrelevant matter, and I think I ought not to treat cruelty or no cruelty as an issue between the petitioner and respondent unless it is pleaded by the letter. It is obvious that if this were not so specific charges need never be brought forward, and the petitioner would not know what case he had to meet. It appears to me that these charges of cruelty cannot be set up by the respondent now. Whether the co-respondent might go into them in reduction of damages is another question.