

(1873) 07 CAL CK 0003

Calcutta High Court

Case No: None

In Re: Howard Brothers

Vs

APPELLANT

RESPONDENT

Date of Decision: July 2, 1873

Judgement

Pontifex, J.

I consider that the word "reside" in s. 5 of the Insolvent Act, when applicable to the insolvency of traders, includes an occupation for the purpose of trading, whether or not accompanied by sleeping or dwelling. It is said that Norman, J., held otherwise; but if the case before that learned Judge related to a trading insolvency, I feel compelled to differ from him. I think that in this case the insolvents are entitled to their discharge. With regard to the application for costs, I am of opinion that there must be a substantially successful opposition, or that some material benefit must accrue to the estate therefrom before costs can be allowed. Neither of these conditions has been satisfied in the present instance; I therefore refuse costs.