

(1872) 07 CAL CK 0010

Calcutta High Court

Case No: Special Appeal No. 294 of 1872

Bocha Gope Chowdhry

APPELLANT

Vs

Brajagabind Das

RESPONDENT

Date of Decision: July 9, 1872

Final Decision: Dismissed

Judgement

Sir Richard Couch, Kt., C.J.

The decision appealed against is correct. The party could only be liable on his obligation as surety. It was an obligation to the Government, and not to the plaintiff. The terms of the instrument of suretyship are these:--(reads). It is clear that what he undertook was to indemnify the Government for any loss that the latter might incur. The plaintiff has no right under that bond to Government to recover against the surety for wrongful acts, such as misappropriating goods, &c., done by the Narir. The decision of the lower Appellate Court is right, and this appeal must be dismissed with costs.