

(1878) 06 CAL CK 0026

Calcutta High Court

Case No: None

Allumuddy

APPELLANT

Vs

Braham and Another

RESPONDENT

Date of Decision: June 17, 1878

Citation: (1879) ILR (Cal) 140

Hon'ble Judges: Richard Garth, C.J; Markby, J

Bench: Division Bench

Judgement

Richard Garth, C.J.

It being found, as a fact, that the millinery business was carried on by the wife alone, and that the husband had no concern in it, we think it clear that the Judge was right in giving a decree against the wife alone. The husband could only be made liable in such a case upon the principle that the wife was impliedly carrying on the business as his agent; and we consider that any such implication is excluded by the provisions of the Act and the facts as found in the case.

2. We also think that the decree should be executed only against the wife's separate property; and that the form of it should be limited accordingly.