

(1869) 06 CAL CK 0058

Calcutta High Court

Case No: None

Gordon

APPELLANT

Vs

Gordon and Dr. Saran

RESPONDENT

Date of Decision: June 28, 1869

Judgement

Phear, J.

I think that, if the wife is living apart from her husband under such circumstances that she does not pledge her husband's credit, the Court ought not to grant alimony. But I will grant time to the wife to answer the allegations as to the facts alleged in the affidavit of the petitioner. The question will be, whether, at the time of presenting the petition, the wife was so living. If the application should be granted, I should adhere to the rule as to alimony and costs laid down in Kelly v. Kelly & Saunders. If this application were for the wife's costs only, I should grant it at once.