

(1878) 01 CAL CK 0023

Calcutta High Court

Case No: None

Chunder Caunt
Mookerjee

APPELLANT

Vs

Jodoonath Khan and
Another

RESPONDENT

Date of Decision: Jan. 31, 1878

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

Bench: Division Bench

Judgement

Richard Garth, C.J.

As regards the last point urged upon us, which only affects the question of costs, we think that the tender of the Rs. 1,043-5 was made in such a way, that the plaintiffs could not accept the sum tendered without giving up the remainder of their claim.

2. An offer of that kind to pay a portion of the debt in discharge of the whole is not a legal tender of the part only; and this case, therefore, does not come within the principle of the authorities which have been cited to us by Mr. Bell.

3. If the money had been tendered unconditionally, it might have been otherwise.