

(1882) 12 CAL CK 0007
In the Calcutta High Court

Koonjo Behary Roy

APPELLANT

Vs

Poorno Chunder Chatterjee

RESPONDENT

Date of Decision : 14-12-1882

Acts Referred:

Citation : (1883) ILR (Cal) 450

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

Bench : Division Bench

Judgement

Richard Garth, C.J.—We think that the learned Judge is quite right.

2. u/s 32 of the Rent Law a gomashta has no right to bring a suit in his own name. He can only sue in the name of his employer, and conduct the suit for him like any other agent.

3. It has been contended, indeed, that he did bring this suit as agent, and that the plaint should be read in that sense; but it is difficult so to construe the language, and when we look at the verification of the plaint, it is clear that the gomashta describes himself, and not his employer, as the real plaintiff.

4. This appeal must, therefore, be dismissed with costs.