

(1887) 02 AHC CK 0012
In the Allahabad High Court

Ram Bakhsh

APPELLANT

Vs

Durjan and Others

RESPONDENT

Date of Decision : 05-02-1887

Acts Referred:

Citation : (1887) ILR (All) 392

Hon'ble Judges : Tyrrell, J; John Edge, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

John Edge, Kt., C.J.

1. In this case the only question is, the action being in respect of a bond payable by instalments, and the defendants in answer to the action, saying that at the time of the giving of this bond it was orally agreed to let the creditor have possession in lieu of instalments, whether the evidence of that contract, which was not in writing, is admissible. I think it is. It was a contract which did not detract from, add to, or vary the original contract. It was only providing for the means by which the instalments were to be paid. The appellant got possession in accordance with the oral agreement. The appeal is dismissed with costs. Tyrrell, J.

2. Concurred.