

gives him the personal advantage of a dissolution of marriage, as distinguished from a divorce *a mensa et thoro* that he comes into Court. This sequence of facts leads me far to the conclusion that there has been something like connivance on his part at the course of life which his wife has been leading, and why should he now, after so many years, make those persons who are the least offenders, against him or public morals pay the costs and damages. Moreover, if I allowed the petition to be amended by the introduction of co-respondents at this stage, the facts which come before the Court would disentitle the petitioner to a divorce, even though the specific adultery should be made out. Under these circumstances, I am bound to dismiss the petition of course it will be without costs, as the respondent has not appeared.

Mr. Piffard asked for leave to bring a fresh suit.

PHEAR, J.—I do not think it is necessary. Failure upon the general form of charge will probably not prevent you from proceeding a specific one.

Before Mr. Justice Phear.

IN RE THE NABOR HABI TEA COMPANY.

Winding up—Petitioning Creditor's Costs.

1849
June 19.

THIS was a petition by a creditor of the Company that it should be wound up under the superintendence of the Court.

Mr. Graham, in presenting the petition, referred to section 161 of the Indian Companies' Act, 1866, and in re *The Bank of Gibraltar and Malta* (1). The *General Rolling Stock Company Limited* (2). As to the petitioning creditor's costs in re *Audley Hall Spinning Company* (3).

Mr. Marindin opposed the granting the petition on behalf of the Company.

PHEAR, J.—In an application of this kind by a creditor, the Court will always be in favour of making an order for winding up by the Court. The petitioning creditor is entitled to his costs as a first charge on the assets of the Company, subject to any prior liens on the estate.

Before Mr. Justice Phear.

S. M. DASIMANI DASI v. SRINATH GHOSE.

Additional Written Statement—Practice—Act VIII. of 1859, s. 122.

1869
June 20.

Mr. Evans applied, on behalf of the defendant, to be allowed to file an additional written statement.

Mr. Branson, for the plaintiff, objected, 1stly, that under section 122 of Act VIII. no written statement could be received, unless called for by the

(1) 11 Jur., N. S., 916. (2) 34 Beav., 314. (3) 6 L. R., Eq., 245.