

does not therefore, in my opinion, fall within the words of the 17th section of the Registration Act. Whether a Court of Equity would, under given circumstances, consider a party who had signed such a document as this to be in the same position as if he had actually executed the contemplated lease or its counterpart, is another question altogether.

Attorneys for the plaintiffs: Messrs. Pittar and Cowell.

Attorneys for the defendants: Mr. Watson.

1871
 HAJI ABDUL
 VIDONA
 JONAS
 v.
 HAJI HARONE
 ESMILE.

Before Mr. Justice Paul.

In re GURUDAS BOSE.

Act VIII of 1859, s. 281—Discharge of Prisoner—Bad Faith.

1871
 Mag²⁵,

“Bad faith,” in section 281 of Act VIII of 1859, refers only to bad faith in respect of an application under that section.

THIS was an application by an attorney for the discharge of a prisoner under Act VIII of 1859, section 281. It appeared, on the examination of the prisoner, that a debt of Rs. 1,200 was due to the prisoner from one Bhuban Mohan Bose. This debt the prisoner had not disclosed.

The cases of *The Oriental Bank v. Manimulhab Sen* (1) decided by, Macpherson, J., and *Smith v. Boggs* (2) decided by Norman, J., were referred to.

PAUL, J.—I am in favour rather of the opinion of Mr. Justice Macpherson than of the view taken by Mr. Justice Norman. I think that the words “bad faith” in section 281 of Act VIII of 1859 mean bad faith in respect of the application, and do not refer to bad faith on previous occasions. The prisoner has concealed a debt owing to him which he ought to have disclosed. He has not brought himself within the terms of the section. His discharge is refused.

Before Mr. Justice Phear.

SONAMALL *v.* SUDARAM ROTTI.

Taking Plaintiff off the File

1871
 June 26.

THIS was an application to take a plaintiff off the file, on the grounds, first, of indefiniteness; secondly, that the plaintiff had not deposited security in accordance with section 34 of Act VIII of 1859. The plaintiff was resident out of the British territories in India, but he had a shop in which he carried on business in Calcutta. The suit was for sums due on a balance of account in respect of mutual dealings between the plaintiff and defendant. The plaintiff, which was filed on December 12th 1870, stated that the cause of action arose “previous to 21st August 1869,” but did not show that the suit was not barred

(1) 3 B. L. R., App., 14.

(2) 5 B. L. R., App., 22.