

Before Mr. Justice Macpherson.

KUSTOOR MULL AND ANOTHER v. JOOKERAM AND OTHERS.

1873
July 14.

Service of Summons—Partner—Agent—Act VIII of 1859, s. 17 cl. 2.

THE defendants in the case carried on business in partnership in Calcutta. Service had been effected by leaving the summons with one of the defendants, not at the place of business in Calcutta, but in the mofussil at Furrackabad.

The suit was undefended.

Mr. *Ingram*, for the plaintiffs, submitted that service on one of several partners was sufficient service on the firm, and referred to *Ramchundra Bose v. Sneed* (1). One of several partners is the agent of the other partners under s. 17, cl. 2 of Act VIII of 1859.

MACPHERSON, J.—There is a distinction between that case and the present. You have not served any of the defendants at their place of business in Calcutta. If the defendant who has been served had been at the time of service actually carrying on business in Calcutta for himself and the other defendants as partners, no doubt he might be deemed an agent for them under s. 17, cl. 2, and the service might be good. As it is, it is good only against the defendant served.

Attorney for the plaintiffs: Mr. *Dignam*.

Before Mr. Justice Pontifex

IN THE MATTER OF TARINEY CHURN GOHO, AN INSOLENT.

1873
July 15.

Jurisdiction of Insolvent Court—Bona Fide Residence.

THE insolvent described himself in his schedule as residing at Cossipore, and as being a writer in the employ of Messrs. Cook & Co., horse-dealers in Calcutta. He now applied in person for an *ad interim* protection order.

There was no opposition; but the application was refused by PONTIFEX, J., who said:—To come within the act, the insolvent, not being a European British subject must either be a *bona fide* resident in Calcutta at the time he presents his petition, or a trader carrying on business in Calcutta. In this case the petitioner is neither the one nor the other, and therefore his application must be refused.

(1) 7 B. L. R., App., 58.