

Michael Vs. Briggs and anr.

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Court : Chennai

Decided On : Oct-07-1890

Reported in : (1891)ILR14Mad362

Judge : Muttusami Ayyar and ;Shephard, JJ.

Appellant : Michael

Respondent : Briggs and anr.

Judgement :

1. The question is whether an action to recover the price of goods supplied to the member of a club or on his responsibility can be brought in the name of the secretary of the club. The club is not a proprietary club such as was in question in *Raggett v. Musgrave* 2 C. & P. 556 and *Raggett v Bishop* 2 C. & P. 343, but a mere association of gentlemen for social purposes, managing its affairs by a committee and a secretary. The goods, the price of which it is sought to recover, belonged to the club, and not to the secretary; and therefore it is not to him that the price is due.

2. It may be convenient that the secretary should collect the moneys due to the club, and he may have authority to do so, but, if the money is not due on a contract made with him, an arrangement that he should sue cannot be recognized as giving him a right of action. [See *Evans v. Hooper* L.R. 1 Q.B.D. 45 and *Gray v. Pearson* L.R. 5 C.P. 568.]

3. We are of opinion that the question above stated must be answered in the negative.

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