

(1907) 04 BOM CK 0013
In the Bombay High Court

Dhanakdhari Singh

APPELLANT

Vs

Mahabir Pershad Singh

RESPONDENT

Date of Decision : 23-04-1907

Acts Referred:

Citation : (1907) 9 BOMLR 651

Hon'ble Judges : Robertson, J;Collins, J;Arthur Wilson, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

Robertson, J.—Their Lordships are confronted with this objection to the appeal, that the argument offered to them is on a question of fact—namely that of waiver—which was decided adversely to the present appellants in the Court of the Subordinate Judge and was not submitted for review to the High Court in Calcutta. Accordingly it is out of their Lordships' power to entertain the ground of appeal, it being one of fact which has not been subject to the consideration of the Court below.

Their Lordships will, therefore, humbly advise His Majesty that the appeal ought to be dismissed. The appellants will pay the costs of it.