

(1919) 10 PRI CK 0002

In the Privy Council

Case No : Privy Council Appeal No. 135 of 1917

Mahunt Damodur Ramanuj Das

APPELLANT

Vs

Chemai Tihari

RESPONDENT

Date of Decision : 28-10-1919

Acts Referred:

Citation : (1919) AIR(PC) 188

Hon'ble Judges : Lawrence Jenkins, Ameer Ali, John Edge, Lord Shaw, JJ.

Judgement

Lord Shaw

Their Lordships express some surprise at the admission of an appeal in this case. There appears to have been in it no question of law; and there is nothing which would justify the transmission to London of an appeal dependent solely upon a single question of fact. In the opinion of the Board that question of fact is conclusively settled by two concurrent findings of the Courts" below. In the judgment of the High Court these words are used : "we agree therefore with the learned Judge that the defendant was duly appointed a chela and nominated as the heir of Lakhan."

The case accordingly stands to be determined solely with regard to the range of rights of Lakhan in respect of the Muth of Bibisari. There, again no question of law can arise, because that was conclusively settled by this Board in the appeal reported in 37 I. A. at page 151.

Their Lordships will humbly advise His Majesty that the appeal should be dismissed.