

(1912) 05 BOM CK 0006
In the Bombay High Court

Sevak Kirpashankar Daji

APPELLANT

Vs

Gopalrao Manohar Tambekar

RESPONDENT

Date of Decision : 02-05-1912

Acts Referred:

Citation : (1913) 15 BOMLR 13

Hon'ble Judges : Shaw, J;Macnaghten, J;John Edge, J;Atkinson, J;Ameer Ali, J

Bench : Full Bench

Judgement

Macnaghten, J.—Subject to the modifications which their Lordships have suggested and which have been assented to by Counsel for the respondents, their Lordships will affirm the scheme. It is very largely a matter of discretion, and the appellants have not satisfied their Lordships that discretion has been improperly exercised or that the High Court have not given due consideration to matters which they were directed to take into consideration. Their Lordships will, therefore, humbly advise His Majesty that, subject to the modifications referred to, this appeal ought to be dismissed.

2. With regard to the costs of this appeal, their Lordships think that they should all come out of the Temple funds. In the first instance, the appellant must, of course, pay the costs of the respondents, and they will have the right to :recoup themselves as regards those costs and their own costs out of the Temple funds.