

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of
Ramasami Chetti v. Ranga Christna Muttu
Vira Puchaya Naikar, from the High Court
of Judicature at Madras; delivered 23rd
May 1876.*

Present:

SIR JAMES W. COLVILLE.

SIR BARNES PEACOCK.

SIR MONTAGUE E. SMITH.

SIR ROBERT P. COLLIER.

THIS case falls within the rule which has been many times laid down, and not within the exceptions to that rule, namely, that this Board will not interfere with the concurrent decisions of two Courts upon a question of fact. There were two questions of fact, on one of which, no doubt, the High Court differed from the Court below, namely, as to whether the Plaintiff was or was not of age when he executed the bond; but there was another issue, which went to the whole case, namely, whether the consideration of the bond was paid or not, and upon that we have the concurrent decisions of the two Courts with respect to so much of the consideration as is not comprised within the Rs. 5,000, which the High Court has given to the Plaintiff, and which decree, not having been appealed against, must stand.

Their Lordships will therefore humbly advise Her Majesty that the judgment appealed from be affirmed, and this appeal dismissed, with costs.

