

*Judgement of the Lords of the Judicial Committee
of the Privy Council on the Appeal of Rajah
Amir Hassan Khan v. Sheo Baksh Singh,
from the Court of the Judicial Commissioner of
Oudh ; delivered 20th June 1884.*

Present:

LORD WATSON.

SIR BARNES PEACOCK.

SIR ROBERT P. COLLIER.

SIR RICHARD COUCH.

SIR ARTHUR HOBHOUSE.

THE question in this case depends upon the proper construction to be put upon Act X. of 1877, section 622, and upon Act XII. of 1879, section 92, by which the former section was amended. According to Act XIII. of 1879, section 21, there was no appeal in this case from the Lower Court of Appeal to the Judicial Commissioner. But section 622 of Act X. of 1877 enacted that "the High Court,"—and in this respect the Judicial Commissioner exercises the same powers as the High Court—"may call for the record of any case in which no appeal lies to the High Court if the Court by which the case was decided appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, and may pass such order in the case as the High Court thinks fit." By section 92 of Act XII. of 1879 that section was amended by the insertion after the words "so vested" of the following words, "or to have acted in the exercise of its jurisdiction illegally or with material irregularity." The question then is, did the Judges of the Lower Courts in this case,

in the exercise of their jurisdiction, act illegally or with material irregularity. It appears that they had perfect jurisdiction to decide the question which was before them, and they did decide it. Whether they decided it rightly or wrongly, they had jurisdiction to decide the case; and even if they decided wrongly, they did not exercise their jurisdiction illegally or with material irregularity.

Their Lordships therefore think that under section 622 of Act X. of 1877, as amended by section 92 of Act XII. of 1879, the Judicial Commissioner had no jurisdiction in the case. Under these circumstances their Lordships will humbly advise Her Majesty to allow this Appeal, and to reverse the judgment of the Judicial Commissioner, and to order the Respondent to pay the costs incurred before the Judicial Commissioner. He must also pay the costs of this Appeal.