

*Judgement of the Lords of the Judicial Committee  
of the Privy Council on the Appeal of Gunga  
Pershad Sahu v. Gopal Singh, from the High  
Court of Judicature at Fort William, in  
Bengal; delivered 2nd July 1884.*

---

Present:

LORD WATSON.

SIR BARNES PEACOCK.

SIR ROBERT P. COLLIER.

SIR ARTHUR HOBHOUSE.

IT appears to their Lordships in this case that the Judges of the Court below were right in ordering the sale to be set aside. The only question is as to the terms upon which it ought to be set aside; and in this respect their Lordships think that substantially the High Court was right. The time fixed by the High Court was two months from the 13th December 1881. In consequence of this Appeal having been preferred that time has now expired, and the date must be altered. It appears also to be uncertain what is the amount due to the Defendant and his father under the decrees which are mentioned by the High Court.

Their Lordships think the decree should be varied so as to meet those circumstances. They will humbly advise Her Majesty to order that the cause be remitted to the High Court to cause the amount due to the Defendant and his father under the decrees referred to in the decree of the High Court, with interest at the rate, and up to the time, mentioned in the decree of the High Court to be ascertained; and that upon the Plaintiff's depositing in the Lower Court, or paying to the Defendant and his father, within two

months from the time of that ascertainment, the amount so ascertained to be due, the Defendant do reconvey the property in suit to the Plaintiff, the said Plaintiff not being entitled to claim from the Defendant any wasilat for the period during which he may have been in possession of the property. In all other respects the decree of the High Court ought to be affirmed.

The Appellant must pay the costs of this Appeal.