

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Wappu Marikar Naguda Marikar v. Wappu Marikar Mohamado, as Administrator of the Estate of Cader Mohideen Saibu Wappu Marikar deceased, from the Supreme Court of Ceylon; delivered the 18th June 1903.*

Present :

LORD MACNAGHTEN.

LORD ROBERTSON.

SIR ANDREW SCOBLE.

SIR ARTHUR WILSON.

[*Delivered by Lord Macnaghten.*]

Their Lordships are of opinion that this Appeal must succeed.

The added Defendant, who is represented by the present Respondent, entered upon the premises in dispute as Agent for other persons. He never got rid of his character of Agent, but having spent some money on the repairs of the house which fell down, and not having duly accounted for the rents, or for any surplus, he claimed that he was entitled to hold the property as his own, under the Ceylon Ordinance, No. 22 of 1871. It appears to their Lordships that there is no foundation whatever for this claim, and that this Appeal ought accordingly to be allowed.

Their Lordships will therefore humbly advise His Majesty that the Decrees of the Supreme Court ought to be discharged with costs and the Decree of the District Judge restored. The Respondent will pay the costs of the Appeal.

