Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Chaudhri Latafat Husain v. *Badshah Husain Khan, from the Court of the Judicial Commissioner of Oudh; delivered the 15th November* 1904.

Present:

LORD MACNAGHTEN.
LORD LINDLEY.
SIR ARTHUR WILSON.

[*Delivered by Lord Macnaghten.*]

Their Lordships do not think it necessary to hear Counsel for the Respondent in this case.

There are two objections to the Appeal, either of which is fatal. The Appellant proposes first of all to rely on a family custom. Was there such a custom as he alleges? That is a question of fact on which both Courts are against him. The other objection is that the Appellant for valuable consideration absolutely renounced all interest in the property in suit. That is certified by a solemn deed. That deed was presented to the Court as a compromise of a pending litigation, and the Court made a final decree on the footing of that application. It is impossible to conceive a clearer case of estoppel. It was then argued that this agreement of compromise was dependent upon another agreement. There were three agreements, all executed on the same day, and in a sense they were parts of the same transaction. But it is impossible to suppose that the Appellant's surrender of the property was to depend on what Hur-un-nisa might do with it when it became hers absolutely, or that the Appellant bargained on behalf of the

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lady to whom Hur-un-nisa originally purported to convey the property. On the contrary, he seems to have had a particular objection to her getting it; Hur-un-nisa gave the property away, and then she revoked that gift. Whether she was right or wrong is not for their Lordships to determine. It seems to them that the Appellant has no interest whatever in the question.

It appears to their Lordships that the Court of the Judicial Commissioner and the Court of First Instance were perfectly right, and that the Appeal should be dismissed. They will therefore humbly advise His Majesty accordingly, and the Appellant must pay the costs of the Appeal.

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