

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of Raja
Chitpal Singh v. Bhairon Bakhsh Singh, from
the Court of the Judicial Commissioner of
Oudh; delivered the 23rd November 1905.*

Present:

LORD MACNAGHTEN.
SIR FORD NORTH.
SIR ANDREW SCOBLE.
SIR ARTHUR WILSON.

[*Delivered by Lord Macnaghten.*]

THIS case has been heard by their Lordships at some length, partly in deference to the opinion expressed by the Judicial Commissioners that it could not properly be said that they had affirmed the decision of the Subordinate Judge, and that in any event the Judgment involved substantial questions of law with reference to the alleged adoption of Sheo Ratan Singh; and partly in deference to the suggestion of Mr. De Gruyther, who is always careful not to waste the time of the Board, that the question really turned upon the proper appreciation of written evidence. It was urged that the Court had drawn a wrong inference from documents before it, and that this error had led to a miscarriage of justice. After all, however, it turns out that the case is an ordinary case of the concurrence of two Judgments on a mere question of fact, involving many considerations, on some of which the two Courts are not agreed. But the mere fact that the two Courts do not agree on all the steps which lead to one and the same conclusion is no reason for disregarding the

well-known rule. The rule, however, is not an absolute rule; it presses upon the Appellant with more or less weight, according to the circumstances of the case, and no doubt the fact that the Courts have differed on some important but subordinate questions is a matter to be taken into consideration in determining whether the evidence before the lower Courts should be reviewed in detail.

Mr. De Gruyther has read all the written evidence on which he proposed to rely, and now that it is before them, their Lordships are of opinion that the Judicial Commissioners have come to a right conclusion on right grounds. They think that there is no reason for supposing that the letters of congratulation which were produced were not authentic; but, giving them all the weight that could be properly given to them, they fall very far short of proving a valid adoption. Their Lordships cannot, under the circumstances, presume that authority was given to the widow to make the alleged adoption.

Their Lordships will, therefore, humbly advise His Majesty that the Appeal ought to be dismissed.
