

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of
Rameswar Pershad Singh v. Ram Bahadur
Singh and others, from the High Court of
Judicature at Fort William in Bengal;
delivered the 15th November 1906.*

Present :

LORD MACNAGHTEN.

LORD ATKINSON.

SIR ANDREW SCOBLE.

SIR ARTHUR WILSON.

[*Delivered by Lord Macnaghten.*]

THE first step the Appellant has to take is to set aside the compromise of a former litigation instituted for the very same purpose as the present suit. The compromise was brought to the attention of the Court, approved by the Court, and stated solemnly in an Order made by the Court to be for the benefit of the infant who is now suing. It seems to their Lordships, after hearing the Appellant's Counsel, that there is no ground for setting the compromise aside. The suit in which it was made had progressed up to a certain stage; it had been opened on behalf of the Plaintiff; witnesses had been examined, and the Court knew very much more about the question in dispute than the Court generally does know when it is asked to confirm a compromise of pending litigation. The infant had no separate interest; the adult members of the family, who were presumably competent to judge of their own interests, had taken part in this compromise and assented to it, and the Court pronounced that it was for the benefit

of the infant, who was made a party for the purpose of binding his interest, such as it was. It seems to their Lordships hopeless now to attempt to set it aside. Sir Robert Finlay has admitted very properly that, unless he can make good his point and have this compromise set aside, it is idle to go into the remaining questions which have been raised. That being so, their Lordships will humbly advise His Majesty that the Appeal ought to be dismissed. The Appellants will pay the costs.
