

*Privy Council Appeal No. 38 of 1914.*

*Bengal Appeal No. 70 of 1910.*

**Madhab Chandra Bera, since deceased (now represented by Khetra  
Mohan Bera and another) - - - - - Appellants**

*v.*

**Srimati Rani Sarat Kumari Debi and others - - - - Respondents**

FROM

**THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.**

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**JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE  
PRIVY COUNCIL, DELIVERED THE 18TH OCTOBER, 1918.**

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*Present at the Hearing :*

LORD BUCKMASTER.

LORD DUNEDIN.

SIR JOHN EDGE.

[*Delivered by* LORD BUCKMASTER.]

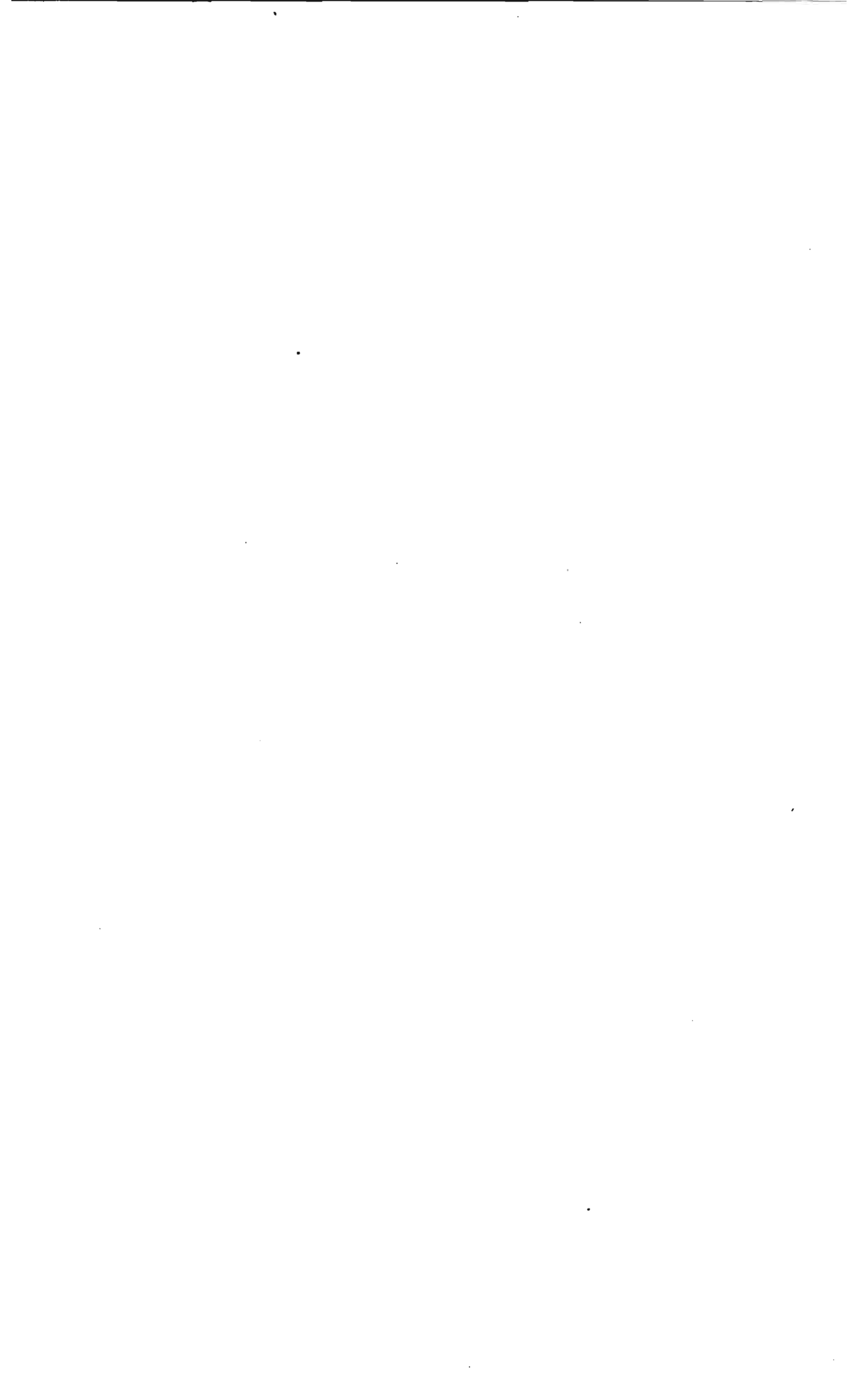
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The question for decision on this appeal is whether certain property amounting in all to 1451 bighas, part of Mouzah Krishnanagar is, as the appellants allege, rent free Brahmattar property, or whether, as has been found by the two Courts below, it is debuttur property devoted absolutely and in perpetuity as an endowment of an idol known as Sri Sri Iswar Madan Gopal Jiu. The determination of this point depends in part upon the consideration of certain documents and in part upon the verbal evidence as to the purposes for which the revenues of the land have, in fact, been used. The learned Subordinate Judges and the Judges of the High Court, from whom this appeal is brought, have considered this question with the utmost care. It cannot be suggested on behalf of the appellants that they have misconstrued the law that is applicable to the dispute, nor that they have wrongly admitted in evidence documents which ought not to have been considered. The only ground upon which it is

possible to base this appeal is that the effect that they had given to certain of the documents and transactions in the case was something which, on a fair consideration of those documents and transactions, could not properly be permitted. Their Lordships see no reason to think that they have erred in this respect. Having read and carefully followed the detailed and elaborate judgments which have been given in this case, they have come to the conclusion that in truth this question, which is a question of fact, has been concurrently determined against the appellants by the judgments of both the Courts below.

Their Lordships will therefore humbly advise His Majesty that this appeal should be dismissed with one set of costs only.

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In the Privy Council.

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MADHAB CHANDRA BERA, SINCE DECEASED  
(NOW REPRESENTED BY KHETRA MOHAN  
BERA AND ANOTHER)

2.

SRIMATI RANI SARAT KUMARI DEBI AND  
OTHERS.

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DELIVERED BY LORD BUCKMASTER.