

Privy Council Appeal No. 135 of 1917.
Bengal Appeal No. 61 of 1915.

Mahunt Damodar Ramanuj Das - - - - - *Appellant*

v.

Chemai Tihari - - - - - *Respondent*

FROM

THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 28TH OCTOBER, 1919.

Present at the Hearing :

LORD SHAW.

SIR JOHN EDGE.

MR. AMEER ALL.

SIR LAWRENCE JENKINS.

[*Delivered by* LORD SHAW.]

Their Lordships express some surprise at the admission of an appeal in this case. There appears to have been in it no question of law ; and there is nothing which would justify the transmission to London of an appeal dependent solely upon a single question of fact. In the opinion of the Board, that question of fact is conclusively settled by two concurrent findings of the Courts below. In the judgment of the High Court these words are used : “ We agree therefore with the learned Judge that the defendant was duly appointed a *chela* and nominated as the heir of Lakhan.”

The case accordingly stands to be determined solely with regard to the range of rights of Lakhan in respect of the Muth of Bibisarai. There, again, no question of law can arise, because that was conclusively settled by this Board in the appeal reported in 37 I.A., at page 151.

Their Lordships will humbly advise His Majesty that the appeal should be dismissed.

In the Privy Council.

MAHUNT DAMODAR RAMANUJ DAS

2.

CHEMAI TIHARI.

DELIVERED BY LORD SHAW.

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