

Privy Council Appeal No. 76 of 1918.
Bengal Appeal No. 50 of 1916.

Rajkumar Babu Bishun Prakash Narayan Singh - - - *Appellant*

v.

Maharani Janki Koer and others - - - - *Respondents*

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 13TH FEBRUARY, 1920.

Present at the Hearing :

VISCOUNT CAVE.

LORD MOULTON.

SIR JOHN EDGE.

MR. AMEER ALI.

[*Delivered by* VISCOUNT CAVE.]

Their Lordships think it unnecessary to call on Counsel for the respondents in this case as the appellant is faced from the beginning with a difficulty which he has not been able to surmount. The claim of the appellant to the Bettiah Raj is founded upon the view that his branch of the family was joint with the family of the late Raja, and accordingly became entitled, upon the death of the last Raja without male issue, to succeed by the rule of co-parcenary to the estate. If it had been necessary for their Lordships to go into the facts, they would have had to consider how far this case is covered by the authority of the decision in *Ram Nundun Singh v. Maharani Janki Koer* (29, I.A. 178), but the appellant does not get so far. It is admitted that the Bettiah Raj is impartible; and it was decided in two cases before this Board, namely, in the case of *Rani Sartaj Kuari and another v. Rani Deoraj Kuari* (15, I.A. 51), and again in the case of *Raja Rama Rao v. Raja of Pittapur* (45, I.A. 148), that an impartible zamindari is the creature of custom, and it is of its essence that co-parcenary in it does not exist. It follows from those decisions that, even on the appellant's view of the facts, he cannot succeed in this appeal.

For these reasons their Lordships will humbly advise His Majesty that this appeal be dismissed and with costs.

In the Privy Council.

RAJKUMAR BABU BISHUN PRAKASH
NARAYAN SINGH

v.

MAHARANI JANKI KOER AND OTHERS.

DELIVERED BY VISCOUNT CAVE.

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