

Privy Council Appeal No. 61 of 1920.

Abdul Aziz - - - - - *Appellant*

v.

Niadar Mal and others - - - - - *Respondents.*

FROM

THE CHIEF COURT OF THE PUNJAB.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 9TH MAY, 1921.

Present at the Hearing :

VISCOUNT HALDANE.

LORD ATKINSON.

SIR JOHN EDGE.

[*Delivered by* VISCOUNT HALDANE.]

Their Lordships feel themselves in a position to dispose of this appeal at once. They take the view that on the true construction of clause 7 of the mortgage deed, the appellant is out of court if it be once shown that the real purchase price on the sale by him was different from the nominal amount of Rs. 80,000, and as to this there were concurrent findings in the courts below that it was so.

In their Lordships' opinion the appeal fails and must be dismissed with costs and they will humbly advise His Majesty accordingly.

In the Privy Council.

ABDUL AZIZ

v.

NIADAR MAL AND OTHERS.

DELIVERED BY VISCOUNT HALDANE.

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