

Privy Council Appeal No. 129 of 1924.

Patna Appeal No. 37 of 1923.

Raja Ganesh Narayan Sahi Deo - - - - - *Appellant*

v.

Manik Lal Chander and others - - - - - *Respondents*

FROM

THE HIGH COURT OF JUDICATURE AT PATNA.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL DELIVERED THE 25TH MAY 1925.

Present at the Hearing :

LORD BLANESBURGH.

SIR JOHN EDGE.

MR. AMEER ALI.

Delivered by LORD BLANESBURGH.

In this case a preliminary objection has been taken to the effect that there is no question of law involved in the issue before the Board, and that, therefore, no appeal lies to His Majesty in Council. On the point being investigated it appears that the judgments of both Courts below were based upon a waiver by the present appellant of any right that he might have had to object to irregularities in relation to the sale caused by non-publication of the proclamation, or otherwise, it having been found by both Courts that these irregularities had been expressly waived by the appellant. Sir George Lowndes, on his behalf, states that if he were to proceed with the appeal it would be necessary for him to rely in support of it upon some, at least, of the irregularities which the Courts below have, each of them, held to be waived.

In these circumstances, it appears to their Lordships that this appeal is barred by concurrent findings of fact in the Courts below and that no question of law can arise until these findings are reopened, which is not in accordance with their Lordships' rule.

Accordingly they will humbly advise His Majesty that the appeal should be dismissed and that the appellant should pay the costs of the respondents to be taxed separately so far as the Registrar, in his discretion, thinks right.

In the Privy Council.

RAJA GANESH NARAYAN SAHI DEO

vs.

MANIK LAL CHANDER AND OTHERS.

DELIVERED BY LORD BLANESBURGH.

Printed by

Harrison & Sons, Ltd., St. Martin's Lane, W.C. 2.

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