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v.

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Same - - - - - - - - - *Appellant*

v.

Jotindra Mohan Sarkar and another - - - - *Respondents*

(*Consolidated Appeals*)

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 3RD MARCH, 1927.

Present at the Hearing :

VISCOUNT DUNEDIN.

LORD DARLING.

SIR JOHN WALLIS.

[*Delivered by* VISCOUNT DUNEDIN.]

This is really a most hopeless case for appeal. Their Lordships do not think it necessary to add anything to what was so very well said by the President of the Improvement Tribunal, who has examined the facts with great accuracy.

As far as the construction of the Act is concerned (and the construction of the Act is the only thing to be determined), their Lordships will only say that it seems to them that the epithet "permanently" is used as an antithesis to "temporarily," and that upon the facts as put by the learned President there can be no doubt that these attachments were anything but temporary and fall absolutely within the word "permanently." Indeed, their Lordships can only add that they wonder that such a case was appealed on behalf of the Government.

Their Lordships will therefore humbly advise His Majesty that these appeals be dismissed with costs

In the Privy Council.

THE SECRETARY OF STATE FOR INDIA IN COUNCIL

v.

TARAK CHANDRA SADHUKHAN

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