Privy Council Appeal No. 66 *of* 1926.

Henry Peter Christopher De Silva - - - - - *Appellant*

v.

Dorothy Margaret Catherine De Silva and another - - - *Respondents*

FROM

THE SUPREME COURT OF CEYLON.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE 17TH JUNE, 1927.

Present at the Hearing:

THE LORD CHANCELLOR.
VISCOUNT HALDANE.
LORD BLANESBURGH.
LORD DARLING.

[*Delivered by* THE LORD CHANCELLOR.]

This was an action for divorce brought by a husband against his wife and a co-defendant on the ground of adultery. The action succeeded, an order for divorce was made, and also an order for a settlement to be made upon the husband for his life out of the property of the wife, who was a rich woman. As to that part of the order, there is no appeal here. The only question arising on this appeal is as to the amount of damages which should be ordered to be paid by the co-defendant, who, in this country, would be referred to as the co-respondent, to the husband. The District Judge fixed the damages at Rs. 10,000, but on appeal to the Supreme Court of Ceylon that amount was reduced to Rs. 2,500, and the question is whether the order of the Supreme Court was right.

It is impossible for this Board in such a matter to reassess the amount of damages. The real question is whether there is enough to induce the Board to disturb the decision at which the Supreme Court arrived. Upon the whole, their Lordships do not think that there is. The Supreme Court clearly had jurisdiction to

review the amount of damages awarded; they had all the facts before them; they knew the value of money in the Island, and they were in a position to form an opinion as to what was a reasonable sum to be awarded in such a case. Their Lordships consider it unnecessary to go through all the facts; it is enough to say that in their Lordships' opinion there is weight in the reasons given by the Judges of the Supreme Court for their decision, and that their Lordships are not inclined to differ from the conclusion at which they arrived. Their Lordships will humbly advise His Majesty that this appeal fails and should be dismissed with costs, including the costs of the petition for leave to adduce further evidence.

In the Privy Council.

HENRY PETER CHRISTOPHER DE SILVA

v.

DOROTHY MARGARET CATHERINE DE SILVA
AND ANOTHER.

DELIVERED BY THE LORD CHANCELLOR.

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