

Privy Council Appeal No. 106 of 1928.
Allahabad Appeal No. 24 of 1927.

Sri Thakurji Maharaj and another - - - - - *Appellants*

v.

Musammat Ram Dei - - - - - *Respondent*

FROM

THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 3RD FEBRUARY, 1930.

Present at the Hearing :

LORD THANKERTON.

SIR LANCELOT SANDERSON.

SIR BINOD MITTER.

[*Delivered by* LORD THANKERTON.]

This appeal raises what appears to be mainly, if not entirely, a question of fact. The facts found in both Courts below disclose that there was a relation of confidentiality between the two parties mainly concerned in the execution of the deed in question, and, further, those findings establish what appears on the face of the deed itself, that the deed was clearly harsh and unconscionable as regards the interests of the respondent. That being so, it was clear that it was essential for the appellants to excuse themselves from what would otherwise be the necessary implication arising on those facts. Both Courts below have found that there is no evidence on the part of the appellants which can afford such an excuse, and their Lordships are not prepared to disturb these concurrent findings. Accordingly they will humbly advise His Majesty that the appeal should be dismissed with costs.

In the Privy Council.

SRI THAKURJI MAHARAJ AND ANOTHER

vs.

MUSAMMAT RAM DEI.

DELIVERED BY LORD THANKERTON.

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