

Robert Hercules Skinner - - - - - *Appellant*

v.

Bank of Upper India Limited and others - - *Respondent*

FROM

THE HIGH COURT OF JUDICATURE AT LAHORE

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 15TH JUNE, 1942

Present at the Hearing :

LORD ATKIN

LORD ROMER

SIR MADHAVAN NAIR

[*Delivered by* LORD ATKIN]

This suit arises in respect of transactions in all respects similar to those in the appeal between the same parties in which the Board have expressed their decision, but in respect of land in the Punjab. The point is the same and there are no material distinctions between the two cases. Their Lordships have already given their reasons for agreeing with the decision of the Indian Courts who have favoured the view propounded by the appellant. All the properties in this suit were the subject of the sale to the appellant. It follows that the appellant should have succeeded on his plea of limitation. The decision of the Subordinate Judge and of the High Court should be set aside and the suit should be dismissed with costs. The respondent should pay the costs of the appeal to the High Court, and of the appeal to His Majesty in Council. Their Lordships will humbly advise His Majesty accordingly.

In the Privy Council

ROBERT HERCULES SKINNER

v.

BANK OF UPPER INDIA LIMITED
AND OTHERS

DELIVERED BY LORD ATKIN