

Popat Hirji - - - - - Appellant

v.

Fazal Kassam Velji - - - - - Respondent

FROM

THE COURT OF APPEAL FOR THE EASTERN AFRICA

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE  
OF THE PRIVY COUNCIL, DELIVERED THE 19TH APRIL, 1955

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*Present at the Hearing:*

LORD TUCKER  
LORD COHEN  
LORD SOMERVELL OF HARROW  
MR. L. M. D. DE SILVA

[Delivered by LORD SOMERVELL OF HARROW]

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This appeal is covered by the decision of the Board in *M. Takim and Company v. Fazal Kassam Velji*. A different plaintiff buyer sues the same defendant for damages for failure to deliver goods under a contract of sale. The plaintiff relied on a document which it is conceded is similar in all relevant matters to that dealt with in the preceding appeal. The learned Judge following his decision in *Takim's* case awarded the plaintiff 20,000/- damages with costs and interest. The Court of Appeal after dealing with a preliminary point which was not pursued before the Board reversed his decision. For the reasons given in the preceding appeal their Lordships will humbly advise Her Majesty that this appeal be allowed the judgment of the Court of Appeal for Eastern Africa set aside with costs and the judgment of Gray, C.J., restored. The respondent must pay the costs of this appeal.

In the Privy Council

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POPAT HIRJI

v.

FAZAL KASSAM VELJI

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