

**Raj Kumari (d/o Lakhani Singh) and Another** – – – *Appellants*

v.

**The Public Trustee of Fiji** – – – – – *Respondent*  
**representing the estate of Ammai (d/o Nag Reddy) deceased**

FROM

**THE FIJI COURT OF APPEAL**

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ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL  
COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE  
28TH JULY 1981

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*Present at the Hearing :*

LORD DIPLOCK

LORD RUSSELL OF KILLOWEN

LORD BRIDGE OF HARWICH

SIR JOHN MEGAW

SIR OWEN WOODHOUSE

[*Delivered by* LORD DIPLOCK]

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This is a textbook case of undue influence exercised by the appellants, her daughter and grandson, upon an illiterate old lady verging on ninety years of age. They took her away from where she had been living with her son to an isolated house which they occupied and where she was dependent on them for her every need. During the period of nearly two years while she was living with them, although she was in receipt of an income in the form of rent from a house property which she owned, and which the judge found was adequate for all her needs, the daughter and grandson managed to extract from her nearly all the money amounting to some \$7,000 from her savings bank account, and to induce her to convey her house property to the grandson at a gross under-value for a consideration partly paid in cash (which probably came out of her own savings bank account) and as to the balance left on mortgage. Unusually for undue influence cases, which are generally brought after the victim's death, the judge had the opportunity of seeing the old lady in person, hearing her evidence, and forming his own opinion as to how senile she was and how susceptible to victimisation by anyone whom she trusted she must have been. He found that the facts found by him raised a presumption of undue influence and this finding was upheld unanimously by the Court of Appeal. The appellants made no attempt to rebut the presumption. Neither of them gave evidence nor did they even call the solicitor whom they alleged acted for both parties when the old lady's house was conveyed to the grandson.

Everything possible that can be said on their behalf has been put by the appellants' counsel but this is plainly a hopeless appeal and their Lordships, as they have already announced, will humbly advise Her Majesty that it should be dismissed with costs.

In the Privy Council

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RAJ KUMARI (d/o Lakhani Singh) and  
ANOTHER

v.

THE PUBLIC TRUSTEE OF PUNJAB  
representing the estate of Ammai  
(d/o Nag Reddy) deceased

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DELIVERED BY  
LORD DIPLOCK