

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of
Rajah Jugojeebun Lall Dhubal Deb v.
Kartick Chunder Bondopadhyaya (now
Chunder Churn Banerjee) from the High
Court of Judicature at Fort William in
Bengal ; delivered 4th November 1875.*

Present :

SIR JAMES W. COLVILLE.

SIR BARNES PEACOCK.

SIR MONTAGUE E. SMITH.

SIR ROBERT P. COLLIER.

THIS was a suit upon a bond, the execution of which was denied by the Defendant, and the sole question was whether the document was a genuine one or not. The Court of First Instance found that it was genuine. The High Court, upon appeal, came to the conclusion that the evidence was not sufficient to establish its genuineness, and reversed the decision of the Court below. But subsequently the Plaintiff produced further evidence,—evidence of a character which, if true, would be conclusive, namely, of an admission of the Defendant,—and sought for a review upon this new evidence. The High Court granted that review, and upon that new evidence, and further upon examination of both the parties, they came to the clear conclusion that the bond was genuine. The Appeal is against that decision. Their Lordships are asked to reverse a decision of the High Court upon a question of fact, in which the High Court had the documents and had the evidence of the witnesses before them, and had an opportunity, which of course their Lord-

ships have not, of judging of the demeanour of the witnesses on both sides.

Under these circumstances their Lordships are of opinion that the decision of the High Court ought not to be reversed. They will humbly advise Her Majesty to confirm that decision, and to dismiss this Appeal.