

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Aghore Nath Chatterji v. Damodar Das Barman and others, from the High Court of Judicature at Fort William in Bengal; delivered the 6th July 1904.*

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Present :

LORD DAVEY.

LORD ROBERTSON.

SIR ARTHUR WILSON.

[*Delivered by Lord Davey.*]

In this case His Majesty was pleased, on the 3rd March 1900, on the recommendation of their Lordships, to grant to the Appellant special leave to appeal, and the Appeal has now come on for hearing. The case was opened by Mr. De Gruyther, but not very fully. He did not read the judgments of the learned Judges in the Courts below to the Board, and their Lordships have had some difficulty in ascertaining exactly which Decree of the High Court the Appellant is appealing against. Now that the matter has been explained to their Lordships, and the judgments of the learned Judges have been read to them, particularly the judgment of Sir Francis Maclean, C.J. and Mr. Justice Banerji, dated the 22nd August 1898, their Lordships think they cannot possibly differ from the decision of the High Court, and they think, in fact, that if the matter had been fully explained when the Petition for special leave to appeal was before the Board, it is improbable that such leave would have been granted. Their Lordships are

quite satisfied with the reasons which have been given by the learned Judges of the High Court, and do not think it necessary to add anything to what has been said by them.

Their Lordships will therefore humbly advise His Majesty that the appeal ought to be dismissed. The Appellant will pay the costs of the Appeal.

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