

*Privy Council Appeal No. 75 of 1933.*

*Allahabad Appeal No. 33 of 1932.*

B. Sampat Kumar Singh - - - - - *Appellant*

*v.*

G. R. Peters and others - - - - - *Respondents*

FROM

THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

---

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE  
PRIVY COUNCIL, DELIVERED THE 30TH OCTOBER, 1934.

---

*Present at the Hearing :*

LORD BLANESBURGH.

LORD THANKERTON.

SIR LANCELOT SANDERSON.

[*Delivered by* LORD BLANESBURGH.]

---

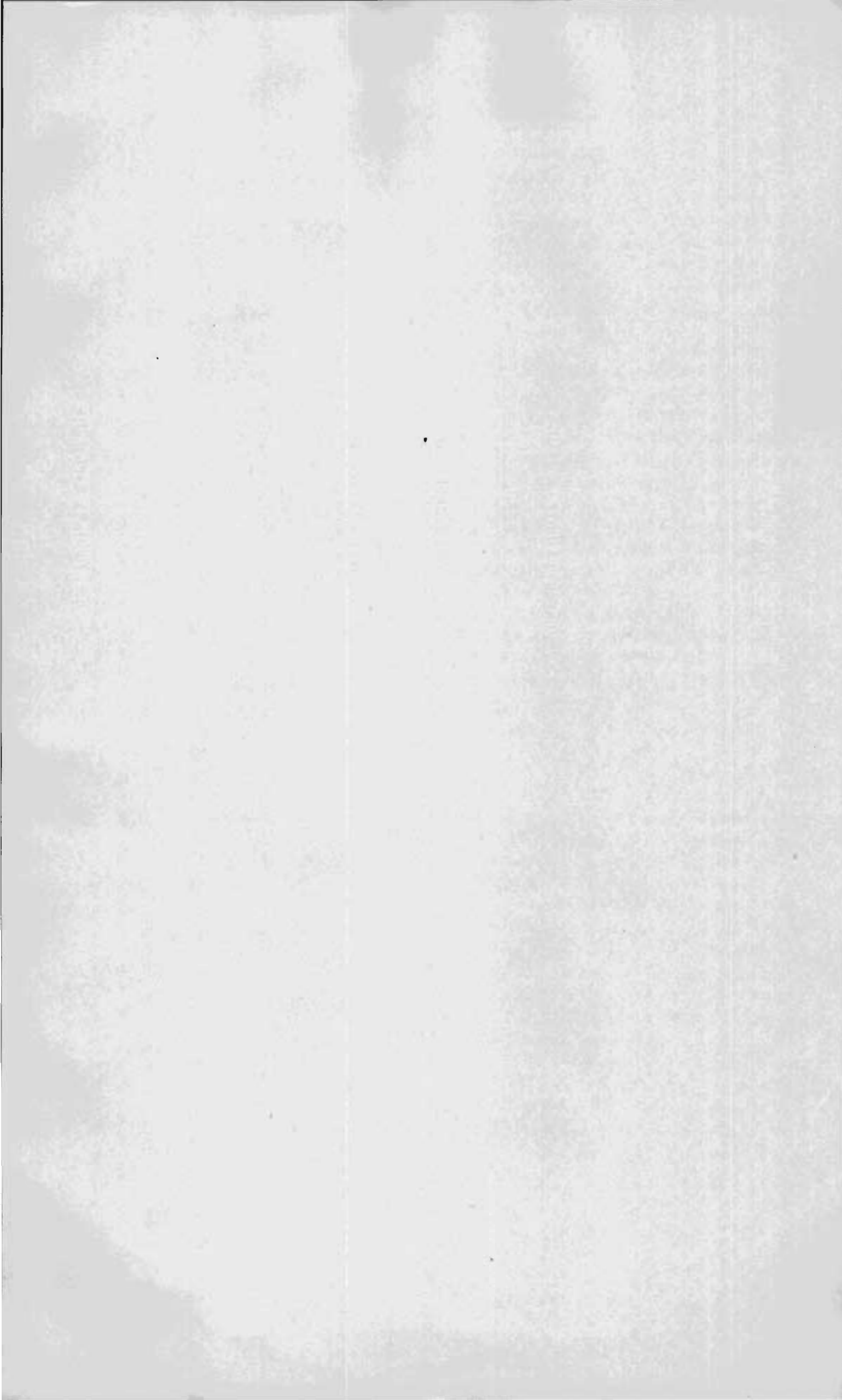
Their Lordships do not need to hear counsel for the respondents, and it is possible for them to dispose of the appeal at once.

Mr. De Gruyther has presented the case of the appellant with his usual directness, and it has become plain that the result of the appeal must depend upon two questions of fact, both of which have been found against the appellant by the High Court. The only real question before the Board in short is whether it has been shown that these findings of fact or either of them should be displaced.

The first finding is that there was never any gift to the appellant's father, but that there was a gift to the club of the land on which the existing buildings were subsequently erected. The High Court has found that the land was made over by the donor direct to the club for the purpose of the club and that there was never any proprietary interest in the land in Dalip. Their Lordships entirely agree with the finding of the High Court on this matter. The evidence in support of it is to their minds convincing, and the claim of the appellant to the land entirely fails.

The second question relates to the club buildings on the land as distinct from the land itself. Here again, it is clear that unless the finding of the High Court with reference to Dalip's intervention in the matter can be displaced, the appellant's claim to these club buildings must fail. The finding of the High Court here is quite clear and express. The case put forward by the appellant before the learned Judges was that the club house had been erected originally by his father for his own private occupation on land presented to him and that it was subsequently handed over by him for the use of the club. It was on the truth of that case that the appellant's claim to the buildings as such was based. The High Court have rejected that case and the evidence by which the appellant sought to support it. The learned Judges have, on the other hand, accepted the evidence on the subject of Dr. Bennett, and have reached the conclusion which they have expressed in their judgment in the following words: "There can be no doubt that the building"—that is to say, the club building—"from the moment of its construction was intended to be the property of the club and was taken possession of by the club authorities as such and has remained in their possession since then." With that finding also their Lordships are in entire agreement. Nothing more need be said. These two findings of fact undisplaced, it is not possible for the appellant to maintain successfully this appeal.

Their Lordships will accordingly humbly advise His Majesty that it be dismissed and with costs.



In the Privy Council.

---

---

B. SAMPAT KUMAR SINGH

v.

G. R. PETERS AND OTHERS.

---

---

DELIVERED BY LORD BLANESBURGH.

Printed by  
Harrison & Sons, Ltd, St. Martin's Lane, W.C.2.

1934.