

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Mussumat Adit Kooer v. Gunga Pershad Sing, from the High Court of Judicature at Fort William in Bengal; delivered Friday, February 14th, 1879.*

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Present:

SIR JAMES W. COLVILLE.

SIR BARNES PEACOCK.

SIR MONTAGUE E. SMITH.

SIR ROBERT P. COLLIER.

THEIR Lordships are of opinion that in this case the judgments and decrees of the Lower Court are correct, and that the judgment of the High Court ought to be affirmed, and this Appeal dismissed with costs.

Their Lordships are clearly of opinion that this decree can only be binding as between the Plaintiffs and the Defendants in the suit, and that it cannot affect the interests of the Defendants as between themselves. It cannot affect the right of the son as against the mother, or the right of the heir of the mother as regards the peculiar property of the mother. If their Lordships thought there was any doubt on the subject, they would perhaps insert these words: "as against the reversionary heirs of the husband" after the word "void"; but it would be inconvenient to make a precedent for altering a decree in this way, and they have no doubt that after this expression of their Lordships' opinion the objects of the parties will be attained.

Their Lordships will therefore humbly advise Her Majesty to affirm the judgment of the High Court and to dismiss this Appeal with costs.

