

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Mohunt Modhusudan Das v. Adhikari Prapanna and another, from the High Court of Judicature at Fort William in Bengal; delivered November 15th, 1889.*

---

Present:

LORD HOBHOUSE.

LORD MACNAGHTEN.

SIR BARNES PEACOCK.

SIR RICHARD COUCH.

[*Delivered by Sir Barnes Peacock.*]

THEIR Lordships are of opinion that this appeal ought to be dismissed. The Court exercised their discretion on the 20th November as to whether they would enlarge the time for giving security for costs. Having considered the evidence and all the facts which were brought before them at that time, they exercised their discretion, and thought it was a case in which they ought not to enlarge the time. Their Lordships think that this is not a case with which they ought to interfere. The appeal upon the merits of the case was under the circumstances properly dismissed under section 549 of the Civil Code of Procedure.

Their Lordships will therefore humbly recommend Her Majesty that this appeal be dismissed, and dismissed with costs.

