

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of Kuar
Nirbhai Das v. Rani Kuar, from the High
Court of Judicature for the North-Western
Provinces, Allahabad, delivered 28th February
1894.*

Present :

LORD MACNAGHTEN.

LORD MORRIS.

SIR RICHARD COUCH.

(Delivered by Lord Macnaghten.)

THIS is an unfounded Appeal. The question at issue between the parties was simply a question of fact. Both the Courts below decided against the Appellant. Both Courts believed the evidence on the part of the Respondent, who was the Plaintiff, and disbelieved the evidence on the part of the Appellant, who was the Defendant. In the circumstances no Appeal was open to the Appellant under the 596th section of the Civil Procedure Code unless he could shew the High Court that there was a substantial question of law involved. There was, however, no question of law at all in the case, and their Lordships are of opinion that the High Court ought not to have granted leave to appeal.

Their Lordships will therefore humbly advise Her Majesty that the Appeal ought to be dismissed with costs.

