

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Gangaram (since deceased) and others v. Sitaram and others, from the Court of the Judicial Commissioner, Hyderabad Assigned Districts, delivered the 6th May 1902.*

Present :

LORD MACNAGHTEN.

LORD LINDLEY.

SIR FORD NORTH.

SIR ANDREW SCOBLE.

SIR ARTHUR WILSON.

[*Delivered by Lord Macnaghten.*]

IN this case the learned Judge in the Court below has endeavoured to do justice between the parties, and in their Lordships' opinion he has done justice, though perhaps in a somewhat rough manner. We are now asked to send this case back to India to have a formal inquiry into these matters, the amount in dispute being according to the view of the Appellants (the Defendants in the Suit) about 300*l.* It does not seem to their Lordships to be anything like that. As far as they can guess from the papers before them, it is not more than 100*l.* at the outside. It seems to their Lordships that it would be a great scandal to send a case of this sort back to India, the litigation already having lasted about six years. Their Lordships have before them the Judgment of the Judicial Commissioner, who evidently has taken great pains about it. He was clearly not indisposed to reconsider his original Judgment. He has given their Lordships his reasons for adhering to it. One of the questions was with regard to a sum of Rs. 5,000. He states fully the grounds upon which he came to the conclusion that that sum ought to be paid

by the Defendants to the Plaintiffs. It appears to their Lordships that his reasons justify the decision at which he arrived. The other matter to which exception is taken is this. The Defendants have kept the Plaintiffs out of their share for about six years. The conclusion which the Judicial Commissioner has come to, and which seems to have been suggested by the parties themselves on the appeal to his Court, is that for three years the Plaintiffs are to enjoy the whole property. That is rough justice, but it is justice, and there is no alternative proposal which would not be open to greater objection. Their Lordships see no reason whatever for sending this case back to India.

Their Lordships will, therefore, humbly advise His Majesty that the Appeal be dismissed. The Respondents not having appeared there will be no costs.

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