

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of
Musammat Sahodra and others v. Ganesh
Parshad, from the Court of the Judicial
Commissioner of Oudh; delivered the 17th
November 1905.*

Present :

LORD MACNAGHTEN.

SIR FORD NORTH.

SIR ANDREW SCOBLE.

SIR ARTHUR WILSON.

[*Delivered by Lord Macnaghten.*]

THIS case has been very clearly put before their Lordships by Mr. De Gruyther, and everything that could be urged on behalf of the Appellants has been said. But their Lordships agree with the conclusions arrived at by the Judicial Commissioners and for the reasons given by them.

It is impossible to hold that the entry in the *wajib-ul-arz* is a will, or a document of a testamentary character, by Fateh Chand. It may have been, as the Judicial Commissioners have said, an expression of his own opinion. Clearly it cannot be treated as sufficient evidence of a devise to the widow of an absolute estate. All the other evidence which has been adduced fails entirely.

With reference to the last point raised by the Appeal, their Lordships agree with the Judicial Commissioners that the alleged *shankalap* has not been proved, and that there does not appear to have been any spiritual necessity for the alienation of the 13th August 1892. On none of these important points is there the least foundation for this Appeal. Their Lordships will therefore humbly advise His Majesty that the Appeal ought to be dismissed. The Appellants will pay the costs of it.

