

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Kunwar Sanwal Singh v. Rani Satrupa Kunwar, from the Court of the Judicial Commissioner of Oudh; delivered the 22nd November 1905.*

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Present :

LORD MACNAGHTEN.

SIR FORD NORTH.

SIR ANDREW SCOBLE.

SIR ARTHUR WILSON.

[*Delivered by Lord Macnaghten.*]

IN their Lordships' opinion this case is concluded by the concurrent findings of the Additional Civil Judge of Lucknow and the Judicial Commissioners. Both Courts have gone into the case with minute care, and their Lordships consider that the issues of fact have been disposed of in a very satisfactory manner. Both Courts have found that the Appellant, who was the Plaintiff in the Court below, was not treated in all respects by Hardeo Bakhsh as his own son, and therefore was not entitled to the statutory right of succession under Clause 4 of Section 22 of Act I. of 1869. It has also been found that, according to the custom of the family, a daughter's son does not succeed to the property of his maternal grandfather.

Those findings are sufficient to dispose of the Appeal; but it may not be out of place to repeat what was laid down in the case of *Umrao Begam v. Irshad Husain* L.R. 21 Indian Appeals, 163, at p. 166], to which Mr. De Gruyther has called their Lordships' attention: The question, said Lord Hobhouse in delivering the judgment of the Board in that case, "is not only a question of fact, but it is one which embraces

a great number of facts whose significance is best appreciated by those who are most familiar with Indian manners and customs. Their Lordships would be specially unwilling in such a case to depart from the general rule, which forbids a fresh examination of facts for the purpose of disturbing concurrent findings by the lower Courts."

Their Lordships will, therefore, humbly advise His Majesty that this Appeal should be dismissed. The Appellant will pay the costs of the Appeal.

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