

*Judgment of the Lords of the Judicial Committee  
of the Privy Council on the Appeal of  
Dhanukdhari Singh and another v. Mahabir  
Pershad Singh and another, from the High  
Court of Judicature at Fort William in  
Bengal; delivered the 23rd April 1907.*

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Present :

LORD ROBERTSON.

LORD COLLINS.

SIR ARTHUR WILSON.

[*Delivered by Lord Robertson.*]

Their Lordships are confronted with this objection to the Appeal, that the argument offered to them is on a question of fact—namely that of waiver—which was decided adversely to the present Appellants in the Court of the Subordinate Judge, and was not submitted for review to the High Court in Calcutta. Accordingly it is out of their Lordships' power to entertain the ground of appeal, it being one of fact which has not been subject to the consideration of the Court below.

Their Lordships will, therefore, humbly advise His Majesty that the Appeal ought to be dismissed. The Appellants will pay the costs of it.

