

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of
Kasim Ahmed Jewa v. Narainan Chetty
and others, from the Chief Court of Lower
Burma; delivered the 9th March, 1910.*

Present :

LORD MACNAGHTEN.

LORD COLLINS.

SIR ARTHUR WILSON.

MR. AMEER ALI.

[Delivered by Lord Macnaghten.]

This is a pure question of fact. Their Lordships see no reason to disturb the Judgment of the Court from which the Appeal is brought.

It does not appear to their Lordships necessary to go into the affirmative case made by Mr. De Gruyther. It is enough to say that in their Lordships' opinion the Judgment of the Chief Court of Lower Burma is right, and their Lordships agree with it for the reasons which they have given, and which it is not necessary for their Lordships to repeat.

With reference to the two clerks, their evidence is not sufficient to support the Defendants' case. The evidence is extremely weak. They say it is customary to endorse on

a promissory note the payments made on account. There is no endorsement on the promissory note, and there is no corroboration of their statement, which is positively denied on the other side.

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

The Judgment of the Chief Court will be amended by the providing for interest subsequent to the Decree in accordance with the prayer of the Petition presented by the Respondents.



In the Privy Council.

KASIM AHMED JEWLA

2.

**NARAINAN GHETTY
AND OTHERS.**

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