

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Petition for stay of execution in the matter of the Appeal of Srimati Nityamoni Dasi and others v. Madhu Sudan Sen and another, from the High Court of Judicature at Fort William in Bengal; delivered the 10th March 1911.*

---

PRESENT AT THE HEARING :

LORD MACNAGHTEN.

LORD ROBSON.

SIR ARTHUR WILSON.

[DELIVERED BY LORD MACNAGHTEN.]

---

Their Lordships are of opinion that the High Court has power to stay execution, notwithstanding that the Appeal, as in this case, has been admitted by special leave of His Majesty in Council. Their Lordships venture to add that the learned Judges of the High Court are in a much better position than the members of this Board to determine in any particular case whether execution ought to be stayed, and if so upon what terms and conditions and to what extent stay of execution ought to be granted.

Their Lordships will humbly advise His Majesty that execution in this case ought to be stayed upon such terms as the High Court may direct.

---

In the Privy Council.

---

SRIMATI NITYAMONI DASI  
AND OTHERS

v.

MADHU SUDAN SEN AND ANOTHER.

---

LONDON :

PRINTED BY EYRE AND SPOTTISWOODE, LTD.  
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

1911.