

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of Sevak
Kirpashankar Daji and others v. Gopal Rao
Manohar Tambekar and others, from the
High Court of Judicature, at Bombay;
delivered the 2nd May 1912.*

PRESENT AT THE HEARING :

LORD MACNAGHTEN.

LORD ATKINSON.

LORD SHAW.

SIR JOHN EDGE.

MR. AMEER ALI.

[DELIVERED BY LORD MACNAGHTEN.]

Subject to the modifications which their Lordships have suggested and which have been assented to by Counsel for the Respondents, their Lordships will affirm the scheme. It is very largely a matter of discretion, and the Appellants have not satisfied their Lordships that discretion has been improperly exercised or that the High Court have not given due consideration to matters which they were directed to take into consideration. Their Lordships will, therefore, humbly advise His Majesty that, subject to the modifications referred to, this Appeal ought to be dismissed.

With regard to the costs of this Appeal, their Lordships think that they should all come out of

the Temple funds. In the first instance, the Appellant must, of course, pay the costs of the Respondents, and they will have the right to recoup themselves as regards those costs and their own costs out of the Temple funds.

In the Privy Council.

SEVAK KIRPASHANKAR DAJI AND
OTHERS

v

GOPAL RAO MANOHAR TAMBEKAR
AND OTHERS.

DELIVERED BY LORD MACNAGHTEN.

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