

Privy Council Appeal No. 90 of 1919.
Bengal Appeal No. 31 of 1917.

Gobinda Chandra Pal (a lunatic) and others - - - *Appellants*

v.

Kailash Chandra Pal (deceased) and others - - - *Respondents*

FROM

THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, ON PETITION TO APPROVE COMPROMISE OF
APPEAL, DELIVERED THE 19TH APRIL, 1921.

Present at the Hearing :

LORD BUCKMASTER.

LORD DUNEDIN.

LORD SHAW.

SIR JOHN EDGE.

[*Delivered by* LORD BUCKMASTER.]

Their Lordships are unable to entertain this petition and regret that a procedure should have been adopted by the High Court which will delay the ultimate judgment and increase the expense. In truth, their Lordships are not in a position to decide whether the terms of compromise which they are asked to sanction are beneficial to the parties who are under a disability, nor can Counsel who appeared before them give them the requisite assurance that they have been able to investigate all material matters, and that the Board can safely act in making the desired order. All such questions are essentially and necessarily the proper subject for consideration of the Courts in India, who are in a position to institute the enquiries, to ask the questions, and to obtain the information which must always be required before sanctioning proceedings on behalf of people who are unable to assent for themselves. In rare cases it may be possible that this could be done here, and in their Lordships' desire to avoid the multiplication or prolongation of proceedings, they may occasionally accept the burden, as was done in the case of *Sakinbai v. Shrimbai* (47 I. A. 88), but this is not the regular and usual course, and in this case they are unable to adopt it. In all cases where it is desired to bind persons under disability by a compromise, it is of the utmost importance that there should be a clear expression of opinion by the proper Court in India that such compromise is a beneficial one for those persons.

The petition must stand over until the proper certificate has been obtained from the High Court.

In the Privy Council.

GOBINDA CHANDRA PAL (A LUNATIC) AND
OTHERS

v.

KAILASH CHANDRA PAL (DECEASED) AND
OTHERS.

DELIVERED BY LORD BUCKMASTER.

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