

Lim Gaik Teen Neoh - - - - - *Appellant*

*v.*

Lim Gaik Kee and others - - - - - *Respondents.*

FROM

THE SUPREME COURT OF THE STRAITS SETTLEMENTS (SETTLEMENT  
OF PENANG).

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE  
PRIVY COUNCIL, DELIVERED THE 28TH APRIL, 1921.

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*Present at the Hearing :*

VISCOUNT HALDANE.

LORD BUCKMASTER.

LORD SHAW.

LORD PHILLIMORE.

[*Delivered by* VISCOUNT HALDANE.]

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In this case their Lordships find themselves in a position to state at once the advice which they will tender to the Sovereign. They have listened to a very full and admirable argument, both from Mr. Upjohn and from Mr. Simmonds, his junior, in which the real points in the appellant's case have been stated with much force; points which have received their Lordships' close attention. Their Lordships have applied the principle of *Barry v. Butlin* (2 Moo. P.C.C. p. 480) and *Tyrell v. Painton* (L.R. 1894. P., p. 151) to the facts before them and they have considered the evidence, with the result that they see no answer to the reasoning contained in the judgment of the Court of Appeal, and, consequently, the advice which their Lordships will tender to His Majesty will be that the judgment of the Court below, allowing the appeal from Mr. Justice Woodward, should be affirmed and this appeal dismissed with costs.

In the Privy Council.

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LIM GAIK TEEN NEOH

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LIM GAIK KEE AND OTHERS.

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DELIVERED BY VISCOUNT HALDANE.

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