

Privy Council Appeal No. 29 of 1925.

Natha Singh - - - - - *Appellant*

v.

Khan Bahadur Doctor Sayad Amir Shah - - - - - *Respondent*

FROM

THE HIGH COURT OF JUDICATURE AT LAHORE.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 27TH OCTOBER, 1925.

Present at the Hearing :

LORD DUNEDIN.

LORD WRENBURY.

SIR JOHN EDGE.

[*Delivered by* LORD DUNEDIN.]

This is a case where there is a unanimous judgment of the High Court, and it depends really upon a question of fact. It is quite clear, their Lordships think, that the original contract was certainly departed from and was, therefore, at an end on the morning of the day in question. It is suggested that another contract was made upon the top of that, or rather after it, because this idea of the first contract being in a sort of fluid state which could be either made totally alive again or not as the case might be is quite untenable. The first contract was gone. If there is to be a second contract that must be clearly proved, and, therefore, the onus lies upon the plaintiff.

Their Lordships are clearly of opinion that that onus has not been made out, and they will humbly advise His Majesty to dismiss the appeal with costs.

In the Privy Council.

NATHA SINGH

v.

KHAN BAHADUR DOCTOR SAYAD
AMIR SHAH

DELIVERED BY LORD DUNEDIN.

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