

*Privy Council Appeal No. 4 of 1924.*

*Bengal Appeal No. 16 of 1921.*

Bhujendra Mohan Sarkar - - - - - *Appellant*

*v.*

Sukdeb Rathi, since deceased, and others - - - - - *Respondents*

FROM

THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE  
PRIVY COUNCIL, DELIVERED THE 29TH JUNE, 1926.

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*Present at the Hearing :*

LORD PHILLIMORE.

LORD CARSON.

MR. AMEER ALI.

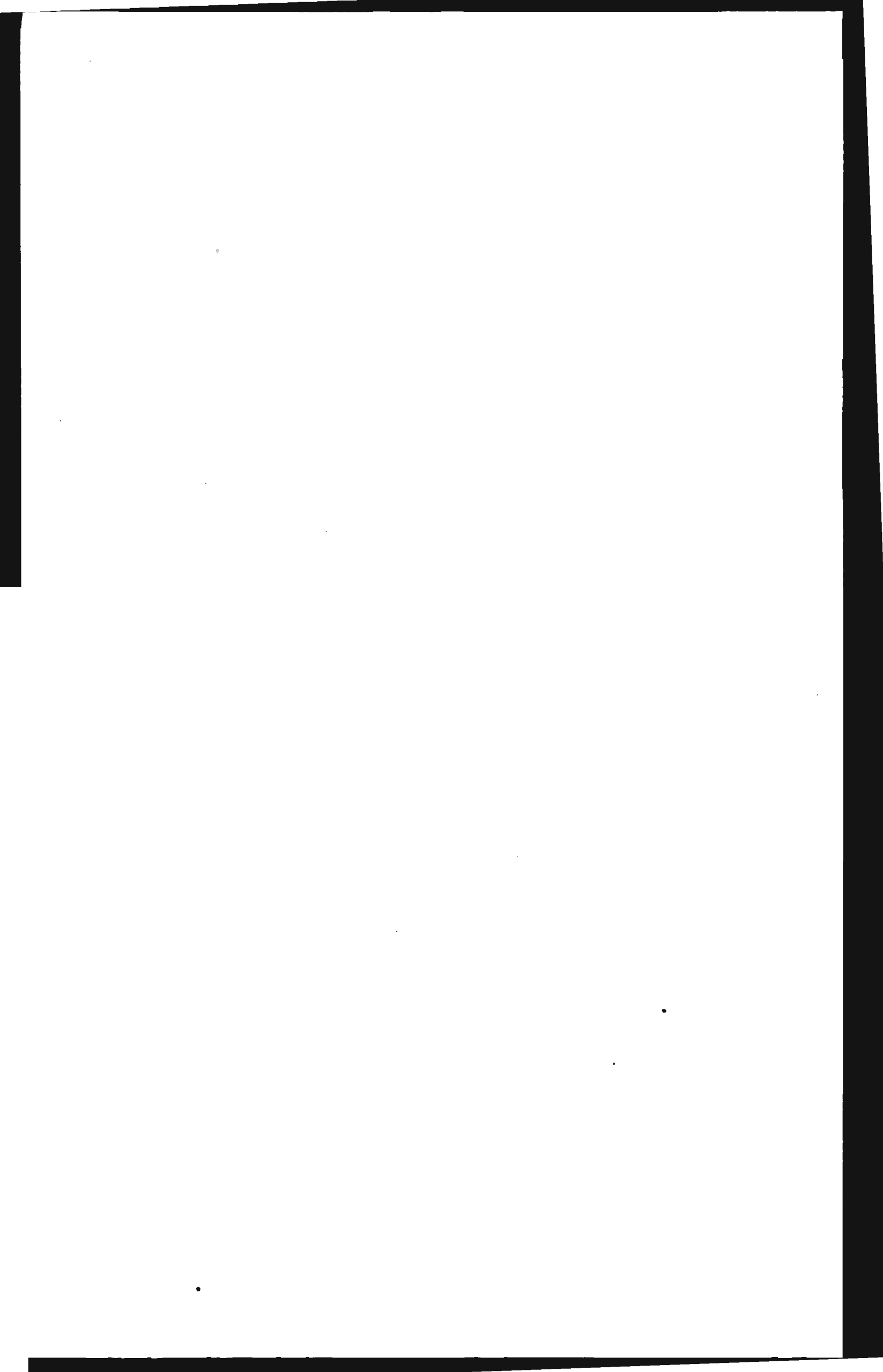
SIR JOHN WALLIS.

[*Delivered by* LORD PHILLIMORE.]

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Their Lordships need not trouble Counsel for the respondents, and they have not asked Counsel for the appellant to argue the further points in the case, because, having heard him fully on the matter, which in their Lordships' view is on the threshold of the appeal, they have come to the conclusion that they cannot advise His Majesty to disturb the decision of the Court below. The rule of their Lordships' Board as to concurrent findings of fact, while not being a rule applicable only to Indian cases, has been more than once stated nevertheless to be specially applicable to India, where so much depends on a knowledge of native customs and language. This being so in this case there are concurrent findings of fact. There is a good deal which could be observed against those findings if they had been by one, not by two Courts. If the two Courts had disagreed there would have been much on which their Lordships would have been glad to hear further discussion, but when there are concurrent findings of fact it is only in very

exceptional cases that their Lordships think it their duty to allow the matter to be re-opened. After having heard all that could be urged (and with much force) on behalf of the appellant, their Lordships are of opinion that there are here concurrent findings of fact which there was ample evidence to support, and in this case they must humbly advise His Majesty that this appeal be dismissed with costs.



In the Privy Council.

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BHUJENDRA MOHAN SARKAR

v.

SUKDEB RATHI, SINCE DECEASED, AND OTHERS.

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DELIVERED BY LORD PHILLIMORE.

Printed by  
Harrison & Sons, Ltd., St. Martin's Lane, W.C. 2.  
1926.