

*Privy Council Appeal No. 3 of 1926.*

*Patna Appeal No. 12 of 1925.*

Kumar Baijnath Prasad Singh - - - - - *Appellant*

*v.*

Kedar Nath Goenka and others - - - - - *Respondents*

FROM

THE HIGH COURT OF JUDICATURE AT PATNA.

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE  
PRIVY COUNCIL DELIVERED THE 15TH NOVEMBER, 1927.

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*Present at the Hearing :*

VISCOUNT SUMNER.

LORD ATKINSON.

SIR JOHN WALLIS.

SIR LANCELOT SANDERSON.

[*Delivered by* VISCOUNT SUMNER.]

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Their Lordships are indebted to counsel for having at the outset explained the difficulties that lie in the way of the appellant in bringing this appeal to a conclusion satisfactory to himself. In their Lordships' opinion the first part of the case is completely covered by the recent decision of their Lordships' Board in the case of *Protap Chandra Deo v. Jagadish Chandra Deo* (54 I.A., p. 289), and, as to the second part, it relates to concurrent findings of the Courts in India on questions of fact, and their Lordships are therefore unable to entertain it.

Their Lordships will therefore humbly advise His Majesty that this appeal should be dismissed with costs.

In the Privy Council.

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KUMAR BALNATH PRASAD SINGH

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KEDAR NATH GOENKA AND OTHERS.

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DELIVERED BY VISCOUNT SUMNER.

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