

Privy Council Appeal No. 129 of 1926.

Patna Appeal No. 2 of 1926.

Srimati Tara Kumari and another - - - - - *Appellants*

v.

Tribeni Prasad Singh and another - - - - - *Respondents*

FROM

THE HIGH COURT OF JUDICATURE AT PATNA.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 19TH OCTOBER, 1928.

Present at the Hearing :

LORD PHILLIMORE.

LORD ATKIN.

SIR LANCELOT SANDERSON.

[*Delivered by* LORD PHILLIMORE.]

Their Lordships have come to the conclusion that they do not require to hear Counsel for the respondents in this case. They think in the circumstances that they can deal with it quite shortly, and that too, with full respect to both of the Courts below. This is a question of pure fact, but one on which unfortunately the two Courts in India have differed. Their Lordships do not forget that the District Judge had certain advantages in that he saw all the witnesses except the two pardanishin ladies, and it is perfectly true that that Judge has believed some and disbelieved others of the witnesses. But it does not appear that he has acted on what might be called his personal observation of their demeanour and mode of giving evidence, but that he has in a very elaborate and careful judgment proceeded by inference from agreed facts. A judgment proceeding in that way does not give very much further advantage to the Judge of first instance over the Judges in the Court of Appeal. Both the judgments have been read carefully to the Board, and in the opinion of their Lordships there has not been sufficient reason shown for disturbing the conclusions at which the Judges of the High Court have arrived.

The appeal will therefore be dismissed with costs, and their Lordships will humbly advise His Majesty accordingly.

In the Privy Council.

SRIMATI TARA KUMARI AND ANOTHER

v.

TRIBENI PRASAD SINGH AND ANOTHER.

DELIVERED BY LORD PHILLIMORE.

Printed by
Harrison & Sons, Ltd., St. Martin's Lane, W.C.2.
1928.

Privy Council Appeal No. 129 of 1926.

Patna Appeal No. 2 of 1926.

Srimati Tara Kumari and another - - - - - *Appellants*

v.

Tribeni Prasad Singh and another - - - - - *Respondents*

FROM

THE HIGH COURT OF JUDICATURE AT PATNA.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 19TH OCTOBER, 1928.

Present at the Hearing :

LORD PHILLIMORE.

LORD ATKIN.

SIR LANCELOT SANDERSON.

[*Delivered by* LORD PHILLIMORE.]

Their Lordships have come to the conclusion that they do not require to hear Counsel for the respondents in this case. They think in the circumstances that they can deal with it quite shortly, and that too, with full respect to both of the Courts below. This is a question of pure fact, but one on which unfortunately the two Courts in India have differed. Their Lordships do not forget that the District Judge had certain advantages in that he saw all the witnesses except the two pardanishin ladies, and it is perfectly true that that Judge has believed some and disbelieved others of the witnesses. But it does not appear that he has acted on what might be called his personal observation of their demeanour and mode of giving evidence, but that he has in a very elaborate and careful judgment proceeded by inference from agreed facts. A judgment proceeding in that way does not give very much further advantage to the Judge of first instance over the Judges in the Court of Appeal. Both the judgments have been read carefully to the Board, and in the opinion of their Lordships there has not been sufficient reason shown for disturbing the conclusions at which the Judges of the High Court have arrived.

The appeal will therefore be dismissed with costs, and their Lordships will humbly advise His Majesty accordingly.

In the Privy Council.

SRIMATI TARA KUMARI AND ANOTHER

v.

TRIBENI PRASAD SINGH AND ANOTHER.

DELIVERED BY LORD PHILLIMORE.

Printed by

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

1928.