

*Privy Council Appeal No. 39 of 1928.
Patna Appeals Nos. 19 and 20 of 1927.*

Gopal Saran Narain Singh - - - - - *Appellant*

v.

Musammat Janki Kuer and others - - - - - *Respondents*

Same - - - - - *Appellant*

v.

Same - - - - - *Respondents*

(Consolidated Appeals)

FROM

THE HIGH COURT OF JUDICATURE AT PATNA.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 12TH FEBRUARY, 1930.

Present at the Hearing :

LORD TOMLIN.

LORD RUSSELL OF KILLOWEN.

SIR LANCELOT SANDERSON.

[Delivered by LORD TOMLIN.]

Their Lordships are of opinion that this appeal fails upon the following main grounds: (1) that the appellant's story as to the manner, time and place in and at which the will came into his possession was rightly rejected by both Courts below; (2) that the conduct of the parties in relation to the enhancement suits was inconsistent with the alleged will having been in existence at that time; (3) that the letter written by the widow, Exhibit 2 (G), as translated by the official translator and in the form appearing in the record and adopted by the High Court, was

inconsistent with any knowledge on her part of the alleged will, it being admitted that, if there was a will, she must have known of it ; (4) that the evidence of the witnesses to the alleged will cannot be relied upon, having regard to the many material matters upon which such evidence appears to be false.

Their Lordships will, accordingly, humbly advise His Majesty that the appeal be dismissed and that the appellant do pay the costs of the appeal.

In the Privy Council.

GOPAL SARAN NARAIN SINGH

vs.

MUSAMMAT JANKI KUER AND OTHERS.

SAME

vs.

SAME

(*Consolidated Appeals*).

DELIVERED BY LORD TOMLIN.