

Privy Council Appeal No. 162 of 1927.
Patna Appeal No. 5 of 1927.

Mukhlal Singh and another - - - - - *Appellants*

v.

Kishuni Singh, since deceased, and others - - - - - *Respondents*

FROM

THE HIGH COURT OF JUDICATURE AT PATNA.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 24TH JUNE, 1930.

Present at the Hearing :

VISCOUNT DUNEDIN.

SIR JOHN WALLIS.

SIR LANCELOT SANDERSON.

SIR GEORGE LOWNDES.

SIR BINOD MITTER.

[*Delivered by* VISCOUNT DUNEDIN.]

In this case the question has been raised as to whether the appeal is competent. Special leave to appeal was granted on an *ex parte* application ; but it has been settled in a judgment of this Board that that does not preclude the Board, when the true facts are brought before it, from going into the question of whether the appeal is competent or not. (*Shah Zahid Husain v. Mohammad Ismail*, 34 C.W.N. 667, 57 I.A. 186.). Upon that question the present case seems to be entirely covered by another decision of the Board in *Gudivada Mangamma v. Maddi Mahalakshamma*, 57 I.A. 56. Under these circumstances their Lordships will humbly advise His Majesty that the appeal is incompetent and should be dismissed with costs.

In the Privy Council.

MUKHLAL SINGH AND ANOTHER

v.

KISHUNI SINGH, SINCE DECEASED, AND
OTHERS

DELIVERED BY VISCOUNT DUNEDIN.

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