

Privy Council Appeal No. 28 of 1928.

Oudh Appeal No. 13 of 1925.

Ram Harakh and others - - - - - *Appellants*

v.

Raja Hanwant Ram and others - - - - - *Respondents*

FROM

THE COURT OF THE JUDICIAL COMMISSIONER OF OUDH.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 26TH JUNE, 1930.

Present at the Hearing :

VISCOUNT DUNEDIN.

SIR JOHN WALLIS

SIR GEORGE LOWNDES.

SIR BINOD MITTER.

[*Delivered by* VISCOUNT DUNEDIN.]

Their Lordships see no reason to differ from the unanimous judgment of the Court of the Judicial Commissioner affirming the judgment of the Court below. They think it is quite clear that these parties had complete notice of the existence of the charge in question, and as far as estoppel is concerned it is impossible to hold that something done by the respondent Raja Hanwant Ram as representative of his brother, is to create an estoppel on what is a personal claim by himself by a perfectly different arrangement and having nothing to do with the brother's debts.

Therefore their Lordships will humbly advise His Majesty that the appeal ought to be dismissed.

The appellants must pay such small costs as have been incurred in the appeal by the representatives of the Court of Wards who appeared.

In the Privy Council.

RAM HARAKH AND OTHERS

vs.

RAJA HANWANT RAM AND OTHERS.

DELIVERED BY VISCOUNT DUNEDIN.

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1930.