

*Privy Council Appeal No. 43 of 1934*

*Allahabad Appeal No. 16 of 1931*

Sahu Jagdishwar Nath and another - - - *Appellants*

*v.*

Sahu Gauri Shankar - - - - - *Respondent*

FROM

THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF  
THE PRIVY COUNCIL, DELIVERED THE 11TH FEBRUARY 1936

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*Present at the Hearing:*

LORD THANKERTON.

SIR GEORGE LOWNDES.

SIR SHADI LAL.

[*Delivered by* LORD THANKERTON.]

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Their Lordships find it unnecessary to call on Counsel for the respondent in this case or to enter in any detail into the facts.

Mr. de Gruyther, on behalf of the appellants, has raised three questions on the appeal. The first point is with reference to the suggested blending or throwing of property self-acquired by Bisheshwar Nath, the appellants' father, into the common stock with the ancestral property which he held. The second point is the issue as to whether the joint family had any interest in the business partnership, to use that phrase in a very broad sense, which had existed between the respondent and Bisheshwar Nath for some fifteen years from 1905. The third question raised by Mr. de Gruyther was with regard to whether the four deeds dated in 1920 by which the partnership was finished up and the various properties directly or indirectly concerned with the partnership were dealt with was a family settlement carried out, on the assumption that the joint family properties were involved.

In their Lordships' opinion, each of those three questions in the circumstances of this case is a pure question of fact, however much incidentally there might have been questions of law involved on particular points, and on those three questions of fact the courts below have found concurrently against the appellants.

In these circumstances, their Lordships see no reason why they should depart from the practice that is common before this Board of not interfering with concurrent findings of fact, and they will accordingly humbly advise His Majesty that this appeal should be dismissed with costs.

In the Privy Council.

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SAHU JAGDISHWAR NATH AND  
ANOTHER

v.

SAHU GAURI SHANKAR

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DELIVERED BY LORD THANKERTON

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