

K. B. Mian Feroz Shah - - - - - *Appellant*

v.

Firm R. S. Hira Singh Attar Singh and others - - *Respondents*

FROM

THE COURT OF THE JUDICIAL COMMISSIONER, NORTH-
WEST FRONTIER PROVINCE

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 23RD JANUARY, 1945

Present at the Hearing :

LORD THANKERTON

LORD SIMONDS

LORD GODDARD

SIR MADHAVAN NAIR

SIR JOHN BEAUMONT

[*Delivered by* LORD THANKERTON]

②
Their Lordships have carefully listened to the grounds argued by Counsel for the appellant and have come clearly to the conclusion that no valid leave was granted in this case because the requisite matter of ascertainment of the ~~market~~ value of the subject matter of the suit and of the appeal had never been properly approached in any sense by the Court of the Judicial Commissioner prior to their granting the order giving leave. The result of that would necessarily have been that the appeal should be dismissed with costs, but, bearing in mind the interests of the parties and the possible saving of expense, their Lordships thought it right to invite Mr. Parikh to open so far on his case so as to give some idea whether there would be any possibility of his succeeding in the alternative method of a petition for special leave to appeal.

After having heard Mr. Parikh on the matter, their Lordships are fully satisfied that this is not a case in which there would be any possibility of their Lordships advising that special leave to appeal should be granted.

Accordingly, it follows that their Lordships will humbly advise His Majesty that this appeal should be dismissed with costs.

In the Privy Council

K. B. MIAN FERUZ SHAH

2.

FIRM R. S. HIRA SINGH ATTAR SINGH
AND OTHERS

DELIVERED BY LORD THANKERTON

Printed by His Majesty's STATIONERY OFFICE PRESS,
DRURY LANE, W.C.2.

1945