

Privy Council Appeal No. 31 of 1952

Hussein Raji Ahmed Ferid - - - - - *Appellant*

v.

Mehmed Ata Ali Ismet and another - - - - - *Respondents*

FROM

THE SUPREME COURT OF CYPRUS

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL, DELIVERED THE 16TH JUNE, 1954

Present at the Hearing:

EARL JOWITT

LORD KEITH OF AVONHOLM

MR. L. M. D. DE SILVA

[*Delivered by* EARL JOWITT]

Their Lordships have considered this matter and they are of the opinion that they ought humbly to advise Her Majesty that this appeal should be dismissed.

Their Lordships are greatly indebted to Mr. MacLaren for the way in which the case has been put to them and for the frank manner in which the points have been explained. It is obvious that the appellant's case is now at its high water mark, for their Lordships have not yet considered the documents. It is not suggested that the documents are inadmissible and the documents tell against the appellant and even though the importance of the documentary evidence might have been lessened by argument they could admittedly not have improved the appellant's case. It appears to their Lordships that two courts have expressed a view on the facts and, that being so, it is plain that this is a case where there are concurrent findings of fact. Their Lordships feel bound to add that on the evidence, so far as they have looked at it, they are not surprised to find that there are those findings of fact.

That being so, their Lordships think that the best thing that they can do is simply to say that they will humbly advise Her Majesty that this appeal should be dismissed, for the reasons that have been given, namely, that this is a pure question of fact and, having gone through the case to the point where they have reached the high water mark of the appellant's case, they are plainly of opinion that there is no reason to interfere with the concurrent findings of fact that the two courts have made.

In the Privy Council

HUSSEIN RAJI AHMED FERID

v.

MEHMED ATA ALI ISMET AND ANOTHER

DELIVERED BY EARL JOWITT

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