

*Judgment of the Lords of the Judicial Committee of the Privy Council, on the Petition of Thakur Shankar Buksh for special leave to Appeal from an Order and Decree of the Court of the Judicial Commissioner of Oudh, dated the 30th March 1899, and 1st April 1899, and made in the matter of a Suit between the Petitioner (Plaintiff) and Balwant Singh and others (Defendants); given the 9th December 1899.*

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Present :

LORD HOBHOUSE.

LORD MACNAGHTEN.

LORD DAVEY.

LORD ROBERTSON.

SIR RICHARD COUCH.

LORD HOBHOUSE : Mr. Cowell, their Lordships wish to express in this case a regret that the learned Judge who granted the review should not have put his reasons on record as required by section 624 of the Code. They think it a matter of importance in the administration of the proceedings of the Court, and it ought to have been done. But their Lordships cannot think it a matter affecting the admission of the Appeal in such a way as to induce them to advise Her Majesty to grant an Appeal on that ground. It is rather a direction to the Judge how to act when he has decided to grant the application than a condition of granting it. In other respects the case seems to be quite an ordinary dispute between the parties on matters of fact, matters of measurements, payments of revenue, and inferences from them; and as it is under

value the rule is, that the final Court of Appeal in India should not be interfered with in its judgment. Their Lordships see no reason for taking it out of the ordinary rule that the judgment of the Appellate Court must be final.

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