

Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Charles Munasinha v. The Assistant Government Agent of Puttalam, from the Supreme Court of the Island of Ceylon (P. C. Appeal No. 130 of 1910); delivered the 19th November 1912.

PRESENT AT THE HEARING:

LORD MACNAGHTEN.

LORD MERSEY.

LORD MOULTON.

[DELIVERED BY LORD MACNAGHTEN.]

Their Lordships think that the Decree of the 28th of March 1904 was, as stated on the face of it, a final Decree, and that, after having pronounced that Decree, the Court was not further concerned with the matter, without prejudice of course to any application that might be made to carry the Decree into effect.

Their Lordships think that Mr. Beebee's return to the reference made to him by consent was an award conclusive on the matter referred to him and quite intelligible whether it was or was not accurate in the opinion of other surveyors.

They think that all the proceedings since the Decree, and especially the examination of persons brought forward by the Crown to say that Mr. Beebee made mistakes, were altogether irregular, and that the costs of those proceedings must be borne by the Crown.

They also think that there is not and never was any question of estoppel between the parties.

The compromise between the parties, as expressed, seems to be perfectly clear, and

appears to involve an obligation on the part of the Crown to convey to the claimants the land not awarded to the Crown. The "remainder" was to go to the claimants.

The money paid into Court to answer the purchase money and the usual fees will be paid to the Crown.

Their Lordships are of opinion that the Appeal should be allowed, the Crown by their Counsel consenting on payment of the purchase money, which is now represented by the money in Court, and the usual fees, to execute conveyances to the claimants or as they may direct.

Their Lordships think that the Crown ought to pay the costs of this Appeal and the costs incurred in the Court below since the date of the Decree. Their Lordships will humbly advise His Majesty accordingly.



In the Privy Council.

CHARLES MUNASINHA

v.

THE ASSISTANT GOVERNMENT AGENT
OF PUTTALAM.

DELIVERED BY LORD MACNAGHTEN.

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