

Privy Council Appeal No. 40 of 1915.

Allahabad Appeal No. 35 of 1913.

Bhagwan Das - - - - - *Appellant,*

v.

Musammat Bhuri Kunwar and others - - *Respondents,*

FROM

**THE HIGH COURT OF JUDICATURE FOR THE NORTH-WESTERN
PROVINCES, ALLAHABAD.**

**JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 27TH OCTOBER, 1916.**

Present at the Hearing :

LORD PARKER OF WADDINGTON.

LORD SUMNER.

SIR LAWRENCE JENKINS.

[*Delivered by* LORD PARKER OF WADDINGTON.]

In this case their Lordships see no reason to disturb the conclusions of the Court from which the appeal is brought.

There is undoubtedly strong documentary evidence of the separation of the two brothers. Each of them has obtained decrees of the Court on the footing of that separation, and, though it might be possible to explain their having done so, still, the only person who knows anything about it is the appellant, and he did not at the trial think fit to go into the box and explain matters.

Under these circumstances, it appears to their Lordships that it would be wrong to disturb the findings of the Court below. They will therefore humbly advise His Majesty that the appeal should be dismissed. As the respondents have not appeared, there will be no order as to costs.

In the Privy Council.

BHAGWAN DAS

v.

MUSAMMAT BHURI KUNWAR
AND OTHERS.

DELIVERED BY LORD PARKER OF
WADDINGTON.