

Privy Council Appeal No. 34 of 1925.

Allahabad Appeal No. 8 of 1920.

Thakur Bhagwan Singh - - - - - *Appellant*
v.
The Allahabad Bank, Limited - - - - - *Respondents*

Privy Council Appeals Nos. 35 and 36 of 1925.

Allahabad Appeals Nos. 9 and 10 of 1920.

Thakur Bhagwan Singh - - - - - *Appellant*
v.
Firm Bhawani Das Bhagwan Das - - - - - *Respondents*

Same - - - - - *Appellant*
v.
Same - - - - - *Respondents*
(Consolidated Appeals.)

FROM

THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 23RD JULY, 1926.

Present at the Hearing :

VISCOUNT DUNEDIN.

LORD ATKINSON.

MR. AMEER ALI.

[*Delivered by* VISCOUNT DUNEDIN.]

These three cases all turn on the same point of fact. The appellant, Thakur Bhagwan Singh, had a place of business in Agra, and he occasionally resided there. When he was not there one Babu Lal carried on business for him. In all these suits he is sued on bills which are either drawn or accepted by Babu Lal, and the

whole point turns on Babu Lal's authority so to do. It was agreed that the evidence in each of the three cases should be available in the others.

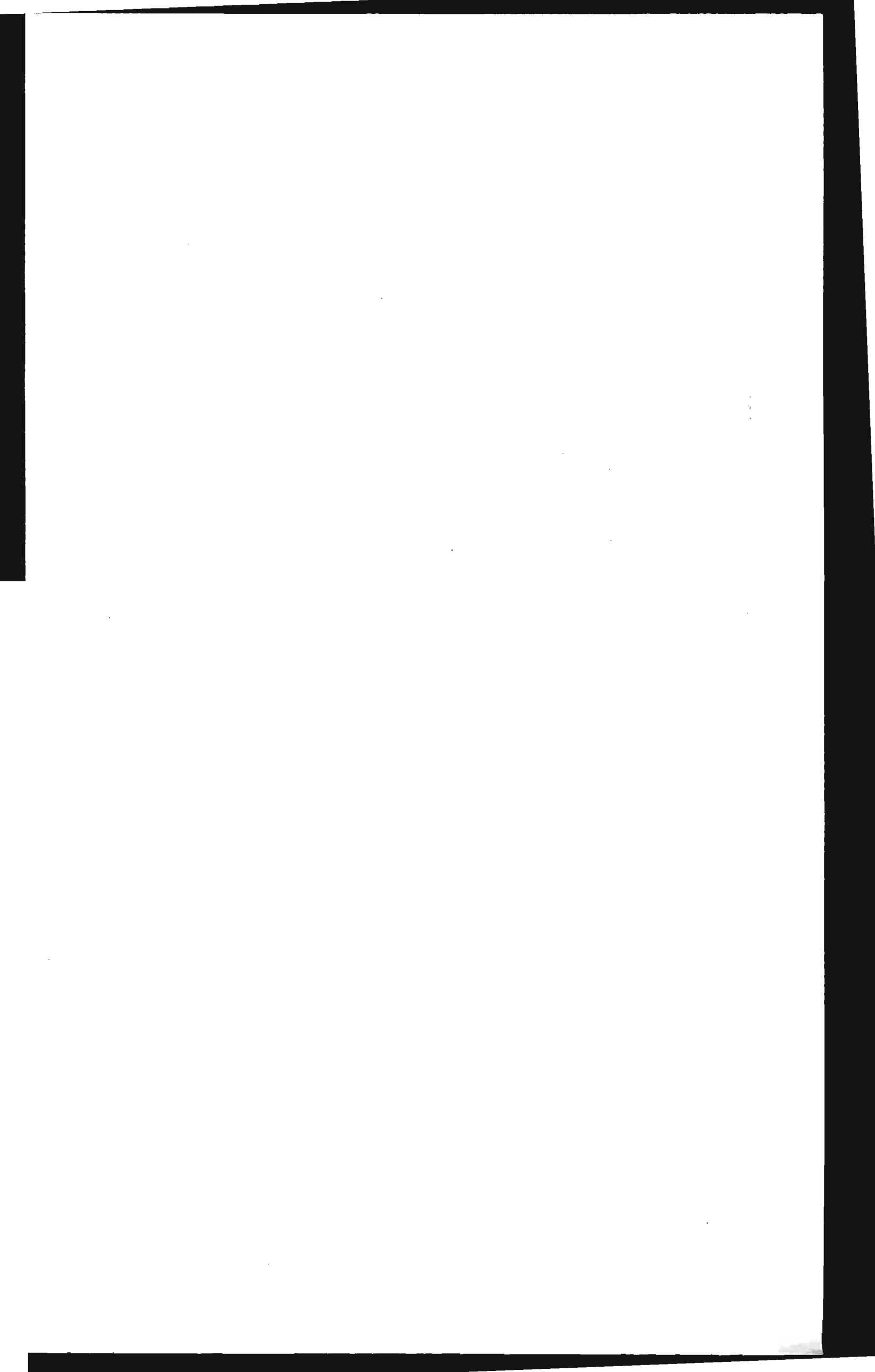
The appellant denied all knowledge of the bills and of the authority. Both Courts found that he was absolutely untrustworthy, and that his statements were worth nothing. Now in the Appeals Nos. 34 and 36, there are concurrent findings of the learned Subordinate Judge and the High Court that Babu Lal had authority to sign the bills, and they, therefore, come under the general rule observed by this Board as to concurrent findings, which is that they will not interfere unless very definite and explicit grounds for that interference are assigned. (See Lord Hobhouse in *Moung Tha Hnyeen v. Moung Pan Nyo*, 27 I.A., 166.)

But the only definite ground alleged here is that the Subordinate Judge went principally on oral evidence, while the High Court went on the effect of certain letters; that is no ground.

In *Ram Anugra Narain Singh v. Chowdhry Hanuman Sahai*, 30 I.A., p. 41, this Board at p. 43 said this:—

“The appellant's counsel, however, contended that this finding was not within the rule, because the Courts were not quite agreed on the grounds of their decision—the Subordinate Judge relying on the oral testimony, whilst the High Court based its finding on the documentary evidence. But the rule is none the less applicable because the Courts may not have taken precisely the same view of the weight to be attached to each particular item of evidence.”

In Appeal No. 35 there were concurrent findings as to five bills which the appellant alleged to be forgeries, but as regards four bills the learned Subordinate Judge held that there was a special agreement which entitled Babu Lal to sign only when the appellant was absent. The learned Judges of the Court of Appeal finding on the letters and the circumstances proved in all the cases, came to the conclusion that Babu Lal had full authority to sign. Their Lordships see no reason for differing from that opinion. They will, therefore, humbly advise His Majesty to dismiss all three appeals with costs.



In the Privy Council.

THAKUR BHAGWAN SINGH

v.

THE ALLAHABAD BANK, LIMITED.

THAKUR BHAGWAN SINGH

v.

FIRM BHAWANI DAS BHAGWAN DAS.

SAME

v.

SAME.

[DELIVERED BY VISCOUNT DUNEDIN.]

Printed by

Harrison & Sons, Ltd., St. Martin's Lane, W.C.2.

1926.