

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of Banka
Behari Das v. Raj Kumar Das, from the High
Court of Judicature at Fort William in Bengal :
delivered the 11th February 1903.*

Present :

LORD MACNAGHTEN.

LORD LINDLEY.

SIR ANDREW SCOBLE.

SIR ARTHUR WILSON.

SIR JOHN BONSER.

[*Delivered by Lord Macnaghten.*]

Upon reading the Plaint and the Judgments in this Appeal, it appears to their Lordships that there are questions of law which cannot be satisfactorily disposed of until the facts are ascertained. Their Lordships are, therefore, of opinion that the Suit must go to trial in the ordinary way.

They will accordingly humbly advise His Majesty that the Decrees of the Court of the Subordinate Judge of Sylhet and of the High Court ought to be discharged, and the Suit remitted to the Subordinate Judge for trial, and that the costs of the hearings in the said two Courts should be costs in the cause. The costs of this Appeal will also be costs in the cause.

