

Privy Council Appeal No. 13 of 1919.

Patna Appeal No. 5 of 1916.

Maharaj Bahadur Singh - - - - - *Appellant*

v.

Balchand Chowdhury (substituted for Puran Chand) and others - *Respondents*

FROM

THE HIGH COURT OF JUDICATURE AT PATNA.

INTERLOCUTORY JUDGMENT OF THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE 10TH
DECEMBER, 1920.

Present at the Hearing :

LORD BUCKMASTER.

LORD PHILLIMORE.

MR. AMEER ALI.

SIR LAWRENCE JENKINS.

[*Delivered by* LORD BUCKMASTER.]

Their Lordships are not satisfied in this case as to the form in which the certificate for leave to appeal is framed. It is alleged to be based on two different grounds : the one is a question of fact as to amount and the other a question of opinion, as to whether or no discretion should be exercised. So far as relates to the question of fact it appears to be faulty, for the amount in dispute is not sufficient. So far as it relates to a question of opinion the matter is not made plain, as it ought to be, upon the certificate that the discretion was invoked and the discretion was exercised. Their Lordships will say no more about the certificate except again to point out that they think it of the utmost importance that these certificates, when it is suggested that they are made in exercise of the discretion conferred, should make plain upon their face that the discretion has in fact been exercised. For the rest, they think that the special circumstances of this case enable them to advise His Majesty that special leave to appeal should be granted, but of course a Petition must be lodged for that purpose.

In the Privy Council.

MAHARAJ BAHADUR SINGH

vs.

BALCHAND CHOWDHURY (SUBSTITUTED FOR
PURAN CHAND) AND OTHERS.

DELIVERED BY LORD BUCKMASTER.

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