

Neki and others - - - - - *Appellants*

*v.*

Chhajju Ram and another - - - - - *Respondents*

FROM

THE CHIEF COURT OF THE PUNJAB.

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE  
PRIVY COUNCIL DELIVERED THE 19TH FEBRUARY, 1925.

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*Present at the Hearing:*

LORD SHAW.

LORD CARSON.

SIR JOHN EDGE.

MR. AMEER ALI.

[*Delivered by* LORD SHAW.]

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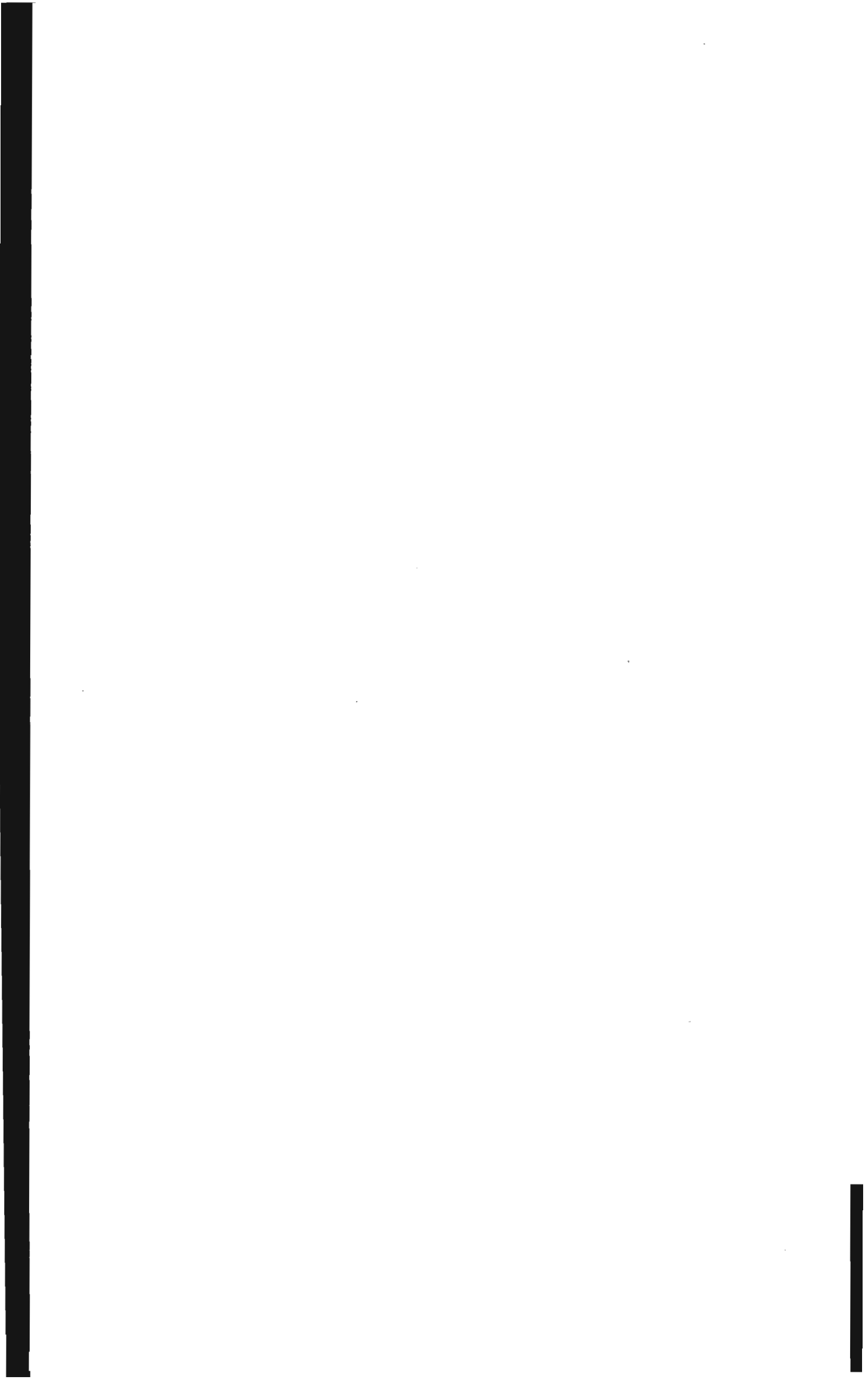
The view of their Lordships has been sufficiently expressed in the course of the discussion.

This is an appeal in what to all intents and purposes is a non-existent suit. By a judgment of the Board dated the 27th February, 1922, their Lordships agreed humbly to report to His Majesty that in "their humble opinion this appeal ought to be allowed, that the decree of the Chief Court of the Punjab dated the 11th December, 1918, ought to be set aside, the decree of the Chief Court dated the 3rd November, 1917, restored, and the suit dismissed with costs throughout." That was not merely the shape of the judgment of this Board; it was embodied as quoted in His Majesty's Order in Council dated the 3rd March, 1922. It is quite impossible that any Court in this country or in India can consider such a suit as an existing suit in which any order whatsoever can be made. The suit has been finally dismissed with costs.

When the Court below in granting leave to appeal say that

“The order of the Privy Council merely dealt with the competency of the review application and the legality of the orders passed,” their Lordships are not able to accede to that view, having before them the actual text of the order dismissing the suit with costs. It may be open to the appellants to make such an application as they may deem desirable to this Board to reconsider the judgment from which a citation has already been made. There may be considerations applicable to it which the Board, when such an application comes before it, will have to take into view in considering what are the rights of a person not appearing as a party before the Board to ask for leave to rectify those proceedings by a subsequent application. No pronouncement whatsoever is made upon that, but their Lordships, standing upon the existing order of the Privy Council, are constrained to hold that there is no existing suit in which this appeal in any shape or form can be held to be competent.

The appeal will therefore be disallowed with costs.



In the Privy Council.

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NEKI AND OTHERS

vs.

CHHAJJU RAM AND ANOTHER.

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DELIVERED BY LORD SHAW.

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