

*Judgement of the Lords of the Judicial Committee
of the Privy Council on the appeal of Syed
Rajab Ali v. Syed Amir Hossein and Others,
from the High Court of Judicature at Fort
William in Bengal; delivered April 3rd,
1889.*

Present :

LORD WATSON.

LORD MACNAGHTEN.

SIR RICHARD COUCH.

[Delivered by Lord Watson.]

THEIR Lordships have come to the conclusion that this appeal ought not to be allowed. They are not disposed to agree with the view taken by the learned judges of the High Court to the effect that the Court had no discretion to enlarge the time allowed for finding security, or to accept another security in lieu of the bond which had been filed by the Appellant upon the 2nd April 1885. At the same time they are very clearly of opinion, in the circumstances of the case, that if the Court had assumed the discretionary power which their Lordships think they possess, they would not have exercised it rightly if they had acceded to the motion which is said to have been made on behalf of the Appellant.

Their Lordships will humbly report to Her Majesty that this appeal ought to be dismissed.

