

Judgment of the Lords of the Judicial Committee of the Privy Council on the two Appeals (consolidated) of Brij Lal, since deceased (now represented by Ram Bharose), and others v. Suraj Bikram Singh, from the Court of the Judicial Commissioner of Oudh; delivered the 2nd May 1912.

PRESENT AT THE HEARING :

LORD MACNAGHTEN.

LORD ATKINSON.

LORD SHAW.

SIR JOHN EDGE.

MR. AMEER ALL.

[DELIVERED BY LORD MACNAGHTEN.]

This is a very simple case. The only question is whether the daughter took an absolute estate or an estate for life?

In the first place, there is no estate at all given to the lady, in terms. The only direction is that she is to remain in possession and occupation of the property, and then she is invested with the power of appointing an heir either in her lifetime or by will. It seems to their Lordships that the word "heir" in that clause means heir to the testator and that the judgment of the Judicial Commissioners is perfectly right.

Their Lordships will therefore humbly advise His Majesty that the Appeal ought to be dismissed, and with costs.

In the Privy Council.

BRIJ LAL, SINCE DECEASED
NOW REPRESENTED BY RAM
BHAROSE, AND OTHERS

v.

SURAJ BIKRAM SINGH.

DELIVERED BY LORD MACNAGHTEN.

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