

Privy Council Appeal No. 30 of 1914.

Shivalingappa Basappa Shintre - - - *Appellant,*
v.
Revappa and others - - - *Respondents.*

FROM

THE HIGH COURT OF JUDICATURE AT BOMBAY.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL, DELIVERED THE 19TH JANUARY 1915.

Present at the Hearing :

LORD SHAW.

SIR JOHN EDGE.

SIR GEORGE FARWELL.

MR. AMEER ALI.

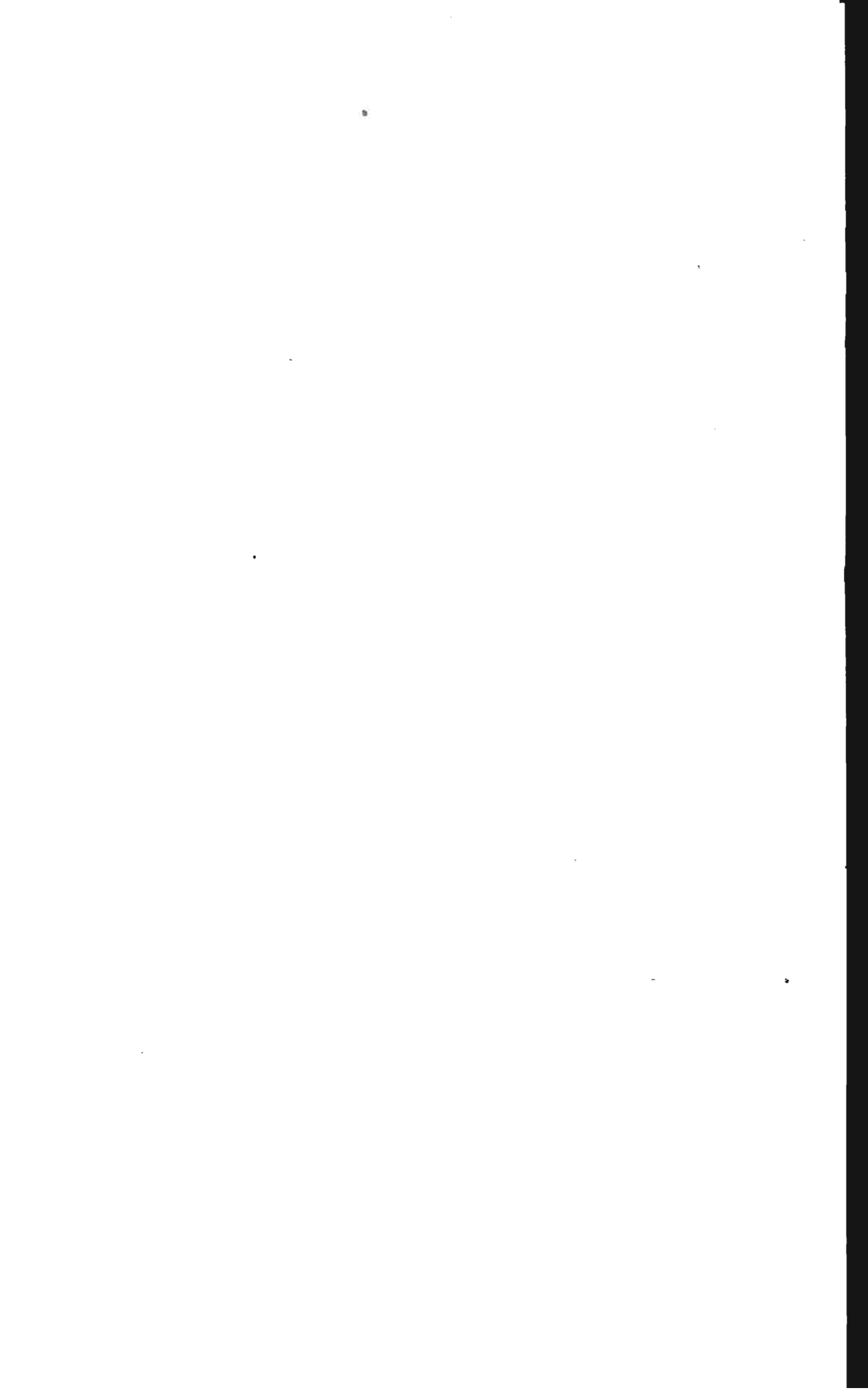
[Delivered by LORD SHAW.]

Their Lordships do not think it necessary to call upon the respondents.

As to the application for the reception of new evidence in this case, their Lordships are clearly of opinion that the rejection of that application was correct. The application itself was made after a final judgment in a suit which had already lasted for a period of over three years. It is enough to say that no sufficient reason appears from the affidavits themselves to show why the proposed new evidence was not timeously submitted.

Upon the merits of the appeal, having considered the judgments in the courts below, their Lordships are of opinion that that of the First Class Subordinate Judge of Belgaum cannot be supported. They agree with the judgment of the High Court, which appears to state correctly not only the presumptions arising

from the history of the family, but also to appraise properly the documents and transactions, and particularly the Releases themselves. These Releases are not proved to be forgeries. On the contrary their Lordships agree with the High Court in holding that the attack upon their genuineness rests purely upon conjecture. This being so, their Lordships will humbly advise His Majesty that the appeal should be dismissed. The appellant will pay the costs, including the costs of the application to postpone the hearing.



In the Privy Council.

SHIVALINGAPPA BASAPPA SHINTRE,

vs.

REVAPPA AND OTHERS.

DELIVERED BY LORD SHAW.

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