

Peter P'Chient - - - - - - - *Appellant*

v.

S.R.M.A.L. and others - - - - - - - *Respondents*

FROM

THE SUPREME COURT OF THE FEDERATED MALAY STATES.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL DELIVERED THE 2ND DECEMBER, 1924.

Present at the Hearing :

LORD SUMNER.

LORD WRENBURY.

LORD CARSON.

[*Delivered by* LORD SUMNER.]

Assisted by Counsel, their Lordships have come to a clear decision as to their duty in regard to this matter. It is not necessary to recapitulate the reasons why the action is defective, but it has been recognised on both sides quite candidly that, according to English practice and according to principle, the action is defective, since K.V.A. is not joined. It has been recognised also that, although the plaintiff did not join K.V.A., no objection was raised against him upon that ground by the defendants in the Courts below. The result is that their Lordships are not able to advise His Majesty to entertain the appeal in this case as it stands. They will accordingly humbly advise His Majesty that, the action being defective for want of parties, namely, K.V.A., but the respondents by their Counsel consenting not to raise the plea of *res judicata* in any future action against the respondents and K.V.A., properly constituted, which the plaintiff may raise for the same relief, this appeal should be dismissed, upon the ground only that the action is so defective for want of parties, and that it should be ordered, that the appellant do pay to the respondents their costs of this appeal.

In the Privy Council.

PETER P'CHIENT

v.

S.R.M.A.L. AND OTHERS.

DELIVERED BY LORD SUMNER.

Printed by
Harrison & Sons, Ltd., St. Martin's Lane, W.C.2.
1924.

Peter P'Chient - - - - - - - *Appellant*

v.

S.R.M.A.L. and others - - - - - - - *Respondents*

FROM

THE SUPREME COURT OF THE FEDERATED MALAY STATES.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL DELIVERED THE 2ND DECEMBER, 1924.

Present at the Hearing :

LORD SUMNER.
LORD WRENBURY.
LORD CARSON.

[*Delivered by* LORD SUMNER.]

Assisted by Counsel, their Lordships have come to a clear decision as to their duty in regard to this matter. It is not necessary to recapitulate the reasons why the action is defective, but it has been recognised on both sides quite candidly that, according to English practice and according to principle, the action is defective, since K.V.A. is not joined. It has been recognised also that, although the plaintiff did not join K.V.A., no objection was raised against him upon that ground by the defendants in the Courts below. The result is that their Lordships are not able to advise His Majesty to entertain the appeal in this case as it stands. They will accordingly humbly advise His Majesty that, the action being defective for want of parties, namely, K.V.A., but the respondents by their Counsel consenting not to raise the plea of *res judicata* in any future action against the respondents and K.V.A., properly constituted, which the plaintiff may raise for the same relief, this appeal should be dismissed, upon the ground only that the action is so defective for want of parties, and that it should be ordered, that the appellant do pay to the respondents their costs of this appeal.

In the Privy Council.

PETER P'CHIENT

v.

S.R.M.A.L. AND OTHERS.

DELIVERED BY LORD SUMNER.

Printed by
Harrison & Sons, Ltd., St. Martin's Lane, W.C.2.
1924.