

Privy Council Appeal No. 112 of 1924.

Dadabhoy Framji Cama - - - - - *Appellant*

v.

Cowasji Dorabji Panday and others - - - - - *Respondents*

Meherbai - - - - - *Appellant*

v.

Dadabhoy Framji Cama and others - - - - - *Respondents*

(Consolidated Appeals.)

FROM

THE HIGH COURT OF JUDICATURE AT BOMBAY.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE
PRIVY COUNCIL, DELIVERED THE 24TH JULY, 1925.

Present at the Hearing :

LORD PHILLIMORE.

LORD BLANESBURGH.

SIR JOHN EDGE.

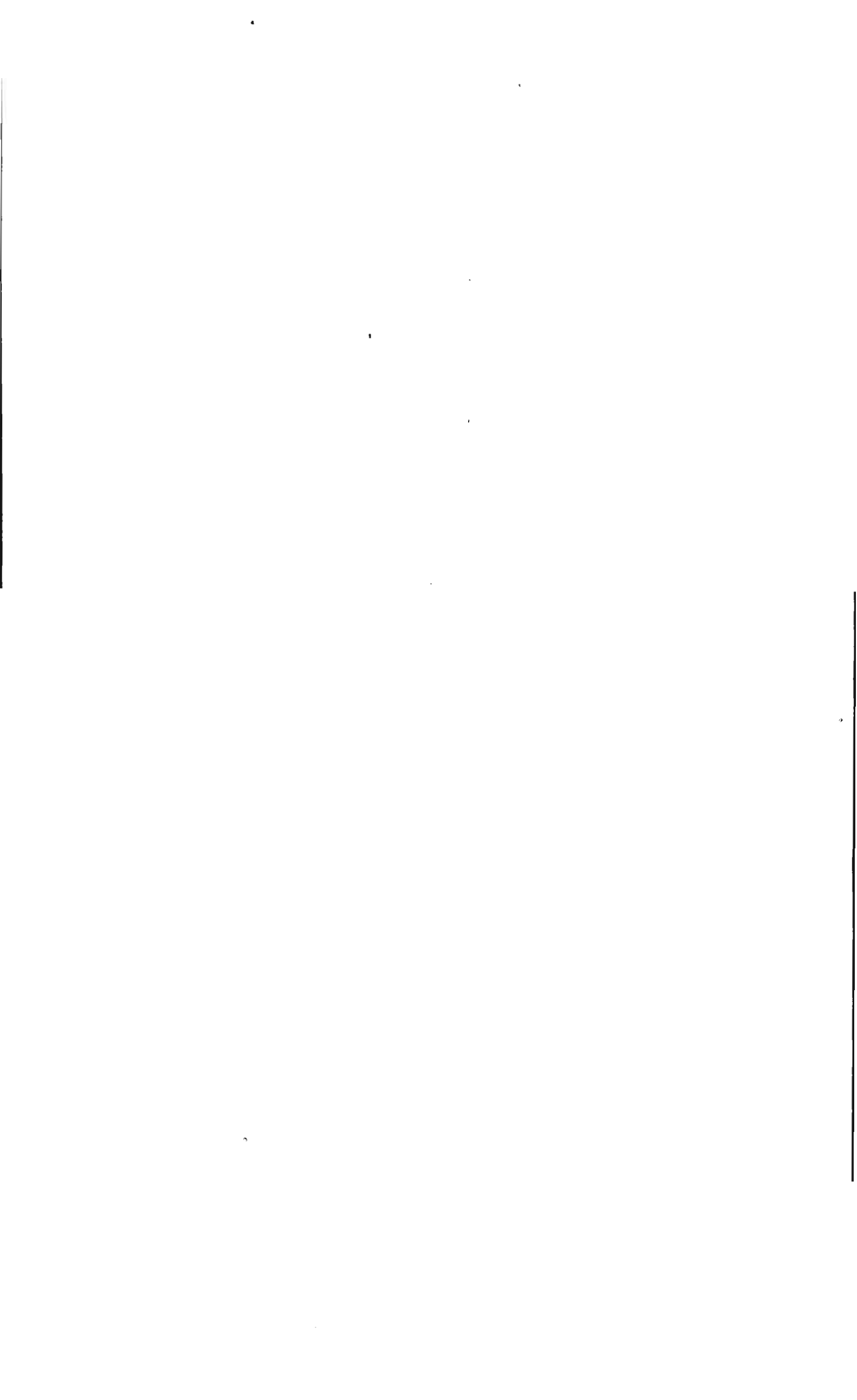
[*Delivered by* LORD PHILLIMORE.]

Their Lordships have followed with care and with interest the very careful arguments put before them on both sides in this case, and in the circumstances they do not think it necessary to reserve consideration of the case in order to write an elaborate judgment. They think that the same conclusion which the Courts below have arrived at might possibly have been reached by simpler methods; but however that may be they see no reason to differ from the construction put upon this section in both Courts below, and therefore their Lordships will humbly advise His Majesty that the principal appeal should be dismissed.

As to the cross-appeal there are many answers to make, but the one which is sufficient is that it is an appeal by a lady claiming as the widow of the party to the settlement sought to be impeached, and having no title except as widow of that party. Her husband deliberately put his hand to a deed which on its face did not bind others than those who were parties to it, and by it he in substance though not exactly in those words released all his interest under the previous deed, and for that reason if for no other the cross-appeal must be rejected.

With regard to the costs the trustees should certainly have their costs, and upon the whole their Lordships are of opinion that the costs, as between solicitor and client, of all parties, including those of the cross-appeal, should come out of the estate in the manner provided in the judgment of the High Court of Bombay, which will be followed in this matter.

Their Lordships will humbly advise His Majesty accordingly.



In the Privy Council.

DADABHOY FRAMJI CAMA

v.

COWASJI DORABJI PANDAY AND OTHERS.

MEHERBAI

v.

DADABHOY FRAMJI CAMA AND OTHERS.

DELIVERED BY LORD PHILLIMORE.

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