

(1877) 07 AHC CK 0003

Allahabad High Court

Case No: None

Udai Singh

APPELLANT

Vs

Bharat Singh and
Others

RESPONDENT

Date of Decision: July 23, 1877

Citation: (1875) ILR (All) 456

Hon'ble Judges: Robert Stuart, C.J; Turner, J; Spankie, J; Pearson, J; Oldfield, J

Bench: Full Bench

Final Decision: Disposed Of

Judgement

Pearson, Turner, Spankie and Oldfield, JJ.

The decree of the Privy Council must be executed, notwithstanding its execution involves the disturbance of the possession obtained by Udai Singh under the decree of this Court which has become final. The decree of the Privy Council is the later in date, and had Udai Singh desired to secure his possession, he should have pleaded the decree of this Court in the cross-suit when the suit in which the decree of the Privy Council has been passed was before that tribunal in appeal.

Robert Stuart, C.J.

2. Under the peculiar circumstances of this case, I do not think that I ought to withhold my assent to the order agreed to by my colleagues, although I desire to guard myself against the opinion, as matter of law, that the decree of the Privy Council is as such a better decree than the decree of any other Court of a prior date and which has become final.