

The mode of Citation of this the Second Volume of the Federal Court Reports, ending December 31st, 1940, will be as follows :—

[1940] F.C.R.

---

---

A TABLE  
OF THE  
**NAMES OF THE CASES REPORTED**  
IN THIS VOLUME

---

	PAGE
Ramnandan Prasad Narain Singh and Another v. Kulpati Shri Mahanth Goshwami Madhwanand Ramji . . . . .	1
Jagdish Jha and Others v. Aman Khan . . . . .	7
Rani Brij Raj Kumari v. Subh Karan Das . . . . .	10
Kishori Lal v. Governor in Council, Punjab . . . . .	12
Hori Ram Singh v. The King Emperor [Privy Council] . . . . .	15
Lachmeshwar Prasad Shukul and Others v. Girdhari Lal Chaudhuri and Others . . . . .	17
Subhanand Chowdhary and Another v. Apurba Krishna Mitra and Another . . . . .	31
Surendra Prasad Narain Singh v. Sri Gajadhar Prasad Sahu Trust Estate and Others . . . . .	39

	PAGE
Jaigobind Singh and Others <i>v.</i> Lachmi Narain Ram and Others . . . . .	61
Birendra Prasad Sukul and Others <i>v.</i> Surendra Prasad Sukul and Others . . . . .	71
Raja Prithwi Chand Lall Choudhry <i>v.</i> Rai Bahadur Sukhraj Rai and Others . . . . .	75
Raja Prithwi Chand Lall Choudhry <i>v.</i> Rai Bahadur Sukhraj Rai and Others; Subhanand Chow- dhary and Another <i>v.</i> Apurba Krishna Mitra and Another . . . . .	78
Lachmeshwar Prasad Shukul and Others <i>v.</i> Keshwar Lal Chaudhuri and Others . . . . .	84
The United Provinces <i>v.</i> Mst. Atiqa Begum and Others . . . . .	110
A. L. S. P. P. L. Subrahmanyam Chettiar <i>v.</i> Muttu- swami Goundan <i>alias</i> Avanashi Goundan . . . . .	188

## **TABLE OF CASES CITED**

	PAGE
A.	
Att.-Gen. for Alberta v. Att.-Gen. for Canada.	35
for Alberta v. Kazakewich . . . . .	129, 177
for Canada v. Att.-Gen. for Ontario.	159
for British Columbia v. Att.-Gen. for Canada.	160
for British Columbia v. Att. Gen. for Canada.	160, 222
for Canada v. Att.-Gen. for British Columbia.	201, 230, 237
for Ontario v. Att.-Gen. for the Dominion of Canada.	229
v. Birmingham, Tame, and Rea District Drainage Board.	94, 102, 104
v. Brodie . . . . .	170
v. Cockermouth Local Board . . . . .	171
v. Logan . . . . .	171
v. Wright . . . . .	176

B.

Bai Rukhiabai, <i>In re</i> . . . . .	I. L. R. [1937] Bom. 425	176
Bank of Toronto v. Lambe . . . . .	(1887) 12 App. Cas. 575	213
Beadling v. Goll . . . . .	(1922) 39 T. L. R. 128	115, 164
Beauharnois L. H. & P. Co. v. Hydro-Electric Power Commission	{ [1937] 3 D. L. R. (Ont.) 458	128
Bholanath Pal, deceased, <i>In the goods of</i> . . . . .	(1930) I. L. R. 58 Cal. 801	173, 184
Birendra Prasad Sukul v. Surendra Sukul	{ [1940] F. C. R. 71	84, 95, 105
Bishun Chand v. Girdhari Lal . . . . .	(1934) I. L. R. 56 All. 376 ; A. I. R. 1934 P. C.	147, 42, 49, 55
Board of Trustees of Lethbridge Irrigation District v. Independent Order of Foresters.	{ [1940] A. C. 513	196, 201, 223 230, 239

C.

Chamberlain's Settlement, <i>In re</i> . . . . [1921] 2 Ch. 533 . . . .	172
Central Provinces and Berar Act No. XIV of } [1939] F. C. R. 18 1938, <i>In re</i> . . . . . }	115, 161, 162, 193, 213, 235

## PAGE

Chethambaram Chettiar v. Loo Thon Poo . . . . .	(1940) I. M. L. J. 68 . . . . .	70
Citizens Insurance Company of Canada v. Parsons. . . . .	{ (1881) 7 App. Cas. . . . .	96, 201, 216, 236
Croft v. Dunphy . . . . .	[1933] A. C. 156 . . . . .	178
Colonial Sugar Refining Company v. Irving . . . . .	[1905] A. C. 369 . . . . .	165

## D.

Day v. Victoria . . . . .	(1938) 4 D. L. R. 345 . . . . .	195
---------------------------	---------------------------------	-----

## E.

Ellis v. Duke of Bedford . . . . .	[1899] 1 Ch. 494 . . . . .	172
Esquimalt and Nanaimo Railway Company v. Wilson. . . . .	{ [1920] A. C. 358 . . . . .	113, 127, 172

## G.

Gallagher v. Lynn . . . . .	[1937] A. C. 863 . . . . .	183, 195, 209, 237
Gastlaun v. Hutchison . . . . .	(1912) I. L. R. 39 Cal. 789 . . . . .	56
Goldar v. Saha . . . . .	(1905) 9 C. W. N. 584 . . . . .	175
Grand Trunk Railway of Canada v. Att.-Gen. of Canada. . . . .	{ [1907] A. C. 65 . . . . .	229
Great West Saddlery Co. v. The King . . . . .	[1921] 2 A. C. 91. . . . .	162, 201, 217, 239

## H.

Harachandra Das v. Bholanath Das . . . . .	(1935) I. L. R. 62 Cal. 701 . . . . .	175
Henshall v. Porter . . . . .	[1923] 2 K. B. 193 . . . . .	164
Hebbert v. Purchas . . . . .	(1871) L. R. 3 P. C. 664 . . . . .	81
Hodge v. The Queen . . . . .	(1883) 9 App. Cas. 117 . . . . .	178, 195
Hori Ram Singh v. The Crown . . . . .	[1939] F. C. R. 159 . . . . .	15

## I.

Initiative and Referendum Act, <i>In re</i> . . . . .	[1919] A. C. 935 . . . . .	222
---	----------------------------	-----

## J.

Jagannath Prosad Singh Chowdhury v. Suraj- mul jalal. . . . .	{ A. I. R. 1927 P. C. 1 . . . . .	67
Jagdish Jha v. Aman Khan . . . . .	[1940] F. C. R. 7. . . . .	42, 52, 67, 95
Jaigobind Singh v. Lachmi Narain Ram . . . . .	[1940] F. C. R. 61 . . . . .	53, 95, 230
Jaimala Kunwar v. Collector of Saharanpur . . . . .	(1933) I. L. R. 55 All. 825, . . . . .	112, 125 142, 169
Jan Mohomed v. Syed Nurudin . . . . .	(1907) I. L. R. 32 Bom. 155 . . . . .	176
John Deere Plow Co., Ltd. v. Wharton . . . . .	[1915] A. C. 330 . . . . .	129, 176, 195, 236

## PAGE

## K.

Kannakayya v. Janardhana Padhi . . . . .	(1910) I. L. R. 36 Mad. 439 . . . . .	10
Khajeh Solehman Quadir v. Salimullah Bahadur . . . . .	{ (1922) I. L. R. 49 Cal. 820 . . . . .	16
King, The v. Kidman . . . . .	(1915) 20 Com. L. R. 42. . . . .	178, 18
Kristnama Chariar v. Mangammal . . . . .	(1902) I. L. R. 26 Mad. 91 . . . . .	10

## L.

Lachmeshwar Prasad Shukul v. Girdhari Lal } [1940] F. C. R. 17 . . . . .	87	
Chaudhuri . . . . .		
Lachmeshwar Prasad Shukul v. Keshwar Lal } [1940] F. C. R. 84 . . . . .	229	
Chaudhuri . . . . .		
Ladore v. Bennett . . . . .	[1939] A. C. 468 . . . . .	196, 239
Lakhpat Ram v. Behari Lal Misir . . . . .	[1939] F. C. R. 121 . . . . .	12, 19
Lyle, B. S., Ld. v. Chappell . . . . .	[1932] 1 K. B. 691 . . . . .	61, 74

## M.

Macleod v. Att.-Gen. for New South Wales . . . . .	[1891] A. C. 455 . . . . .	238
Mada Nagaratnam v. Puvvada Seshayya . . . . .	(1939) I. M. L. J. 272; I. L. R. [1939] Mad. 151 . . . . .	66, 190, 191
Madden v. Nelson and Fort Sheppard Railway . . . . .	[1899] A. C. 626 . . . . .	223
Marraige Legislation in Canada, <i>In re</i> . . . . .	[1912] A. C. 880 . . . . .	214, 216
Maruthamuthu Naicker v. Kadir Badsha Rowther . . . . .	{ I. L. R. [1938] Mad. 568 . . . . .	192
Minnesota v. National Tea Co. . . . .	(1940) 309 U. S. 551 . . . . .	87
Mohammad Akbar Khan v. Attar Singh . . . . .	(1936) I. L. R. 17 Lah. 557 . . . . .	57
Muhammad Abdul Qaiyum v. Secretary of State for India . . . . .	{ I. L. R. [1938] All. 114, 118, 139, 153, 157, 161, 167	
Moon v. Durden . . . . .	(1848) 2 Ex. 22 . . . . .	115, 164, 185
Moser v. Marsden . . . . .	[1892] 1 Ch. 487 . . . . .	169, 170, 174
Mukherjee, K. C. v. Mst. Ram Ratan Kuer . . . . .	(1935) I. L. R. 15. Pat. 268 ; 63 Ind. Ap. . . . .	47, 93, 104, 117, 166, 186

## N.

Narain Das v. Miran Baksh . . . . .	A. I. R. 1925 Lah. . . . .	75, 42, 5, 5, 57
Nash v. Rochford Rural Council . . . . .	[1917] 1 K. B. 384 . . . . .	103
New Brunswick Railway Co. v. British and French Trust Corporation . . . . .	{ [1939] A. C. 1 . . . . .	87

## P.

Pachkauri Raut v. Ram Khilawan Chaube . . . . .	(1914) I. L. R. 37 All. 57 . . . . .	143
Patterson v. State of Alabama . . . . .	(1934) 294 U. S. 600 . . . . .	81
Phillips v. Eyre . . . . .	(1870) L. R. 6 Q. B. 1 . . . . .	178
Ponnamma v. Arumogam . . . . .	[1905] A. C. 383 . . . . .	103

## Q.

## PAGE.

Queen, The <i>v.</i> Burah . . . . .	(1878) 3 App. Cas. 889. . . . .	133, 149, 178
Quilter <i>v.</i> Mapleson . . . . .	(1882) 9 Q. B. D. 672. 94, 102, 103, 104, 115, 117, 166	

## R.

Rajunder Narain Rae <i>v.</i> Bijai Govind Singh . . . . .	(1836) 1 Moo. P. C. 117 . . . . .	78, 80
Ramanandan Prasad Narain Singh <i>v.</i> Kulpatil } [1940] F. C. R. 1 . . . . .		95, 224
Shri Mahant Goshwami Madhwanand Ramji. }		
Ram Singha <i>v.</i> Shankar Dayal . . . . .	(1928) I. L. R. 50 All. 965 . . . . .	115, 165
Rehmat-un-nissa Begam <i>v.</i> Price . . . . .	(1917) 45 Ind. Ap. 61 . . . . .	61, 65
Reid <i>v.</i> Reid . . . . .	(1886) 31 Ch. D. 402 . . . . .	185
Russell <i>v.</i> The Queen . . . . .	(1882) 7 App. Cas. 829. . . . .	159, 161, 201

## S.

Sadanand Jha <i>v.</i> Aman Khan . . . . .	(1938) I. L. R. 18 Pat. 13 . . . . .	8, 18, 32, 72
Sagarmal Marwari <i>v.</i> Bhuthu Ram . . . . .	(1940) 3 F. L. J., H. C. 119 ; A. I. R. 1941 Pat. 99 . . . . .	188, 195, 202, 235, 240
Secretary of State <i>v.</i> Murugesa Mudaliar . . . . .	A. I. R. 1929 Mad. 443. . . . .	113, 124, 169
Shannon <i>v.</i> Lower Mainland Dairy Products } Board. . . . .	[1938] A. C. 708 . . . . .	160, 209, 237
Shiam Lal, Joti Prasad <i>v.</i> Dhanpat Rai . . . . .	(1925) I. L. R. 47 All. 853 ; A. I. R. 1925 All. 768 . . . . .	142
Shyamakant Lal <i>v.</i> Rambajan Singh . . . . .	[1939] F. C. R. 193. 1, 3, 5, 10, 11, 35, 43, 53, 84, 93, 94, 102, 166, 222	
Singheshwar Singh <i>v.</i> Medni Prasad Singh . . . . .	A. I. R. 1940 Pat. 65 . . . . .	58
Siqueira <i>v.</i> Noronha . . . . .	[1934] A. C. 332; A. I. R. 1934 P. C. 144 . . . . .	42, 49, 55
Sinithies <i>v.</i> National Association of Operative Plasterers. }	[1909] 1 K. B. 310 . . . . .	115, 164
Sri Mahant Prayaga Doss <i>v.</i> Board of Commissioners for Hindu Religious Endowments, Madras. }	(1927) I. L. R. 50 Mad. 34. 112, 113, 124, 169, 174	
Srimantu Raja Yarlagaddu Durga <i>v.</i> Srimantu Mallikarjuna . . . . .	[1891] I. L. R. 14 Mad. 439 . . . . .	81
Sripat Singh <i>v.</i> Naresh Chandra Bose . . . . .	A. I. R. 1932 Pat. 332. . . . .	67
Subhanand Chowdhary <i>v.</i> Apurba Krishna Mitra . . . . .	[1940] F. C. R. 31 . . . . .	53, 68, 70, 82, 95, 102
Surendra Prasad Narain Singh <i>v.</i> Sri Gajadhar Prasad Sahu Trust Estate . . . . .	[1940] F. C. R. 39 . . . . .	62, 72, 95

## T.

Thistleton <i>v.</i> Frewer . . . . .	31 L. J. Ex. 230 . . . . .	164
Toronto Corporation <i>v.</i> York Corporation . . . . .	[1938] A. C. 415 . . . . .	195

## PAGE,

## U.

Union Colliery Co. of British Columbia <i>v.</i> Bry-	[1899] A. C. 580	201
den		
United Provinces, The <i>v.</i> Atiqa Begum	[1940] F. C. R. 110	209, 219

## V.

Venkata Narasimha Appa Row <i>v.</i> Court of Wards	{ (1886) 11 App. Cas. 660; I. L. R. 10 Mad. 73	78, 79, 82
Vishwanath Narayan Singh <i>v.</i> Sri Mahant Harihar Gir	{ (1938) I. L. R. 17 Pat. 714	3