

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of Goswami
Shri 108 Shri Girdhariji Shri Govindraji
Maharaj v. Shri Goverdhanlalji Girdhariji
Maharaj, from the High Court of Judicature at
Bombay ; delivered November 14th, 1893.*

Present :

LORD HOBHOUSE.

LORD MACNAGHTEN.

LORD MORRIS.

SIR RICHARD COUCH.

[*Delivered by Lord Morris.*]

THE suit out of which this appeal arises was brought by the Appellant against the Respondent in the High Court of Judicature at Bombay in the exercise of its ordinary original civil jurisdiction, and the question for determination in the High Court and here is whether the High Court had jurisdiction to hear and determine the suit. Both Courts below have determined that there was no jurisdiction.

The 12th section of the Letters Patent of 1865, establishing the High Court, is as follows, so far as it is material to the matter now in dispute :—
“ And we do further ordain that the said High
“ Court . . . shall be empowered to receive,
“ try, and determine suits of every description
“ . . . if the Defendant at the time of the
“ commencement of the suit shall dwell, or carry
“ on business, or personally work for gain within
“ such limits.”

The greater portion of the arguments in the Courts below was addressed to the contention that the Defendant “ dwelt ” in Bombay, within

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the meaning of the section, and that therefore he was liable to the High Court's jurisdiction. That point was abandoned by the Plaintiff on the argument before this Board, his counsel confining himself to the contention that the Defendant "carried on business" within the meaning of the section.

The phrase "carry on business," as has been often said, is a very elastic one, and is almost incapable of definition. The tribunal must in each case look to the particular circumstances. It appears to their Lordships that the Letters Patent intended it to relate to business in which a man might contract debts, and ought to be liable to be sued by persons who had business transactions with him.

There is nothing of this kind here. The Defendant is the high priest of the shrine of Shri Nathji, at Nathdwara, in the territories of the Rana of Oodeypore. At the time of this suit he was on a temporary visit to Bombay, for the purpose of meeting his devotees. He has in Bombay an establishment called a "Pedi," in which a treasurer and servants are regularly employed. Into this "Pedi" offerings made by devotees to the shrine of Shri Nathji, and to other shrines at Nathdwara, of which the Defendant claims to be the owner, are paid. The Defendant has similar establishments in other places in the Bombay Presidency, and the offerings collected there are transmitted to the "Pedi" in Bombay. Something like two lacs of rupees pass into this "Pedi" in the course of each year. While the Defendant was in Bombay he received his followers, and when invited to do so he visited their houses. On the occasions of such visits he invariably received an offering in money, but no bargain for the amount was made beforehand. Such offerings were strictly personal, and were not paid into the "Pedi."

Their Lordships are unable to hold that either the payment of the offerings into the "Pedi," or the receipt of them by the Defendant personally, constitutes "carrying on business" within the meaning of the Letters Patent. Devotion to the shrine was the reason for the offerings in each case.

Their Lordships will therefore humbly advise Her Majesty that the Judgment of the Appellate Court should be affirmed and this appeal dismissed. The Appellant will pay the costs of this appeal.

