

**(1903) 09 MAD CK 0008**  
**In the Madras High Court**

Achutan Nair and Another

APPELLANT

Vs

Kunjunni Nair and Another

RESPONDENT

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**Date of Decision :** 14-09-1903

**Acts Referred:**

**Citation :** (1903) 13 MLJ 499

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**Judgement**

1. The suit is brought by the junior members of a tarwad against the karnavan and their claim is to enforce their right to participate in the joint

enjoyment of the tarwad property in accordance with the terms of the family karar. The case referred to by the Subordinate Judge is the claim of a

female member of a joint Hindu family under the Mitakshara law to separate maintenance and is wholly different inasmuch as she is not a joint

owner with the other members, but is entitled only to maintenance.

2. This suit, therefore, is not ""a suit relating to maintenance"" within the meaning of Article 38 of the 2nd Schedule of Act IX of 1887, but it is within

the meaning of Article 11 of the same schedule ""a suit for the enforcement of right to or interest in Immovable property"" of the tarwad, and in that

view it is not cognisable by a Court of Small Causes.