

(1903) 10 MAD CK 0009
In the Madras High Court

Appavu Udayan alias Savarimuthu Udayan
Vs

APPELLANT

Susai Udayan and Others

RESPONDENT

Date of Decision : 23-10-1903

Acts Referred:

Citation : (1905) 15 MLJ 235

Judgement

1. The senior member of a native Christian family governed by the Indian Succession Act can not have the status of the managing member of a Joint Hindu family even if all the members of the family live together and the senior member manages the affairs of the family. It is not alleged nor proved that the first defendant was constituted by the other defendants as their agent to borrow for the purpose of conducting the litigation in which they were engaged. The fact that he was conducting the litigation on behalf of all and advancing the costs out of borrowed funds is not enough to imply an agency such as would entitle him to borrow on their credit. The Second Appeal therefore fails and is dismissed with costs.