

(1929) 04 PRI CK 0002

In the Privy Council

Case No : Privy Council Appeal No. 120 of 1927

Bhimanath Missir and others

APPELLANT

Vs

Smt. Tara Dai and others

RESPONDENT

Date of Decision : 16-04-1929

Acts Referred:

Citation : (1929) AIR(PC) 162

Hon'ble Judges : Lancelot Sanderson, Carson, Shaw, JJ.

Advocate : Shephard, Chapman Walker, Hy. S. L. Polak, B. Dube, W. Wallach, for the Appearing Parties.

Judgement

Lord Shaw

Their Lordships have heard with pleasure the address of Mr. Wallach in this case on behalf of the appellants, but having heard it and having carefully considered the views which he has presented, their Lordships do not find themselves in possession of any argument which would induce them to vary or differ from the judgment of the High Court of Judicature at Patna.

The opinion expressed in that judgments is in this language :

"In my opinion the term "lineal descendants" includes all the descendants and is not restricted to male descendants. That being so, the daughters of Sreemati Moti Dai are clearly entitled to participate in the monthly allowance of Rs. 300 per month."

Their Lordships are clearly of the same opinion. According to that opinion every female claimant under the designation of "lineal descendants" will have rights. Any arrangement made with one of the female lineal descendants such as that made with Sreemati Lakhmishwari Dai will of course stand, but beyond that the opinion now expressed by this Board is in favour of the wide and comprehensive scope of the term "lineal descendant" as given by the High Court. Their Lordships will accordingly humbly advise His Majesty that this appeal be dismissed with costs.