
(1915) 01 AHC CK 0019
In the Allahabad High Court

Bhola Nath

APPELLANT

Vs

Renka and Another and Nannhu Mal and Others

RESPONDENT

Date of Decision : 13-01-1915

Acts Referred:

Citation : (1915) ILR (All) 177

Hon'ble Judges : Henry Richards, C.J.;Pramada Charan Benerji, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Henry Richards and Pramada Charan Benerji, J.—In the suit out of which this appeal arises the plaintiff is the alleged reversioner to the estate of one Sewa Ram, upon the death of his widow Musammat Renka, the defendant of the first party. The defendants of the second party are alleged to be the nephews of the Musammat on whom she has conferred certain benefits as tenants. The defendant of the third party is a lessee from the defendant of the first party. The defendants of the fourth party are other reversioners, who apparently do not join in the suit. The claim seems to us a most extraordinary one. The plaintiff alleges that a large amount of property has been given to Jwala Prasad and his brother as their agricultural holding at a very low rent. It is also alleged that the lease granted by the Musammat is at a low rent and that a premium was taken. Paragraph 9 states that Rs. 600 or Rs. 700 per annum would be quite sufficient for the expenses of the Musammat and that the rest of the income of the property should be accumulated. The plaintiff then prays that he himself should be appointed manager during the life-time of the widow, but failing this, the court should appoint some other person as receiver; that the lease in favour of the defendant No. 3 should be declared absolutely null and void; that failing this, the plaintiff may be declared entitled to the property" comprised in the lease by way of pre-emption; and lastly, that an injunction should be granted against the defendants.

2. The court below has made a decree appointing a receiver over the property. In

our opinion the plaintiff has entirely misconceived his rights and the court below has granted him relief to which he is in no way entitled. A Hindu widow is entitled to remain in possession of her husband's estate during her life-time and she is not liable to account to any one. Of course, she can be restrained from committing wilful waste where it is clearly and distinctly proved that she has been guilty of such action. A Hindu widow is entitled to give the property to anyone she likes to enure so long as she lives and she need ask for no rent or other compensation for what she has done. She is clearly entitled to grant a lease and to take a premium provided that that lease is not to last longer than the term of her own life. If a Hindu widow alienates or deals with the property to the prejudice of the reversioners in a way not authorized by law, the reversioners are entitled to bring a suit for a declaration that the acts of the widow shall not prejudice the reversioners. In our opinion in the present case no acts of any kind were proved which would in any way justify the court in taking away the life estate of the widow and appointing a receiver. The widow is entitled to spend as she thinks best the entire income of the estate during her life-time.

3. We must set aside the decree of the court below and dismiss the plaintiff's suit with costs in all courts. If the receiver has taken possession he should forthwith file and verify his final account in the court below and when the same has been accepted by the court below he will be at once discharged.

4. Objections have been filed by the respondent upon which there was a deficiency in court fee which has not been made good though time has been allowed. These objections are therefore rejected with costs.