

(1925) 07 MAD CK 0019
In the Madras High Court

Karnam Venkatasubba Rao		APPELLANT
	Vs	
Adinarayana Rao and Others		RESPONDENT

Date of Decision : 29-07-1925

Acts Referred:

Citation : AIR 1926 Mad 227 : (1926) 50 MLJ 46

Hon'ble Judges : Jackson, J

Bench : Division Bench

Judgement

Jackson, J.—This is an appeal from the decree of the District Judge of Anantapur in A.S. No 97 of 1921 on appeal from that of the District

Munsif of Anantapur in O.S. No. 20 of 1920. The plaintiff sued for a declaration that he and defendants 1, 2 and 3 are the nearest reversioners to

inherit the property of the late Ramappa and to recover possession of a quarter of the Immoveable property described in the schedule attached to

the plaint. Both the Lower Courts dismissed his suit.

2. The first point for consideration is that taken by the learned Judge in his fourth paragraph whether the property shown in the title deed - Ex. G-I

- is the absolute property of Savitriamma or whether she only enjoyed a Hindu widow's estate in that property. The title deed - Ex. G-1 - is

perfectly clear: ""The inam is now confirmed to you in freehold; in other words, the inam will be your own absolute property."" "You" and "your"

referring to the six persons in the register, Ex. D-2, and the first of these six persons is Savitriamma. It can only be held that " absolute property " in

this document means with reference to Savitriamma, a widow's estate on two assumptions: (1) that the property dealt with is, as a matter of fact,

the property of the joint Hindu family; and (2) that when Government makes a

grant to persons comprising a widow and her relations, Government must always be taken to imply that a widow's estate is intended. ,The first assumption, as the learned District Judge points out, has been rendered impossible by the Privy Council case in Venkata Jagati-nadha v. Virabhadrayya ILR (1921) M. 643 : 41 M.L.J. 1. The ruling is to be found on page 655: ""Their Lordships are of opinion that the Full Bench was in error, i. e., Pingala Lakshmipathi v. Bommireddi-pdlli Chalamayya ILR (1907) M. 434 : 17 M.L.J. 101, that the case of a karnam stands on its own footing and that the principles applicable thereto were properly decided in Venkata v. Rama ILR (1885) M. 249 by the full Court."" Briefly the effect of Venkata v. Rama ILR (1885) M. 249 is that a service inam does not enure to the benefit of the joint family of the holder, but only of the holder himself. See page 271: ""I think it may be taken that such lands were enfranchised in favour not of the family generally, but of the office-holder for the time being."" And again at page 259: ""When the emoluments consisted of land, the land did not become the family property of the person appointed to the office whether in virtue of an hereditary claim to the office or otherwise. It was an appanage of the office inalienable by the office-holder and designed to be the emoluments of the officer into whose hands soever the office might pass."" And so in Venkata Jagannadha v. Virabhadrayya ILR 44 (1921) M. 643, the Judicial Committee has laid down that when an inam title deed is granted confirming lands to the holder of the office, his representatives and assigns, the lands are his separate property and are not subject to any claim to partition by other members of the family. This clearly excludes all conception of the joint family in such transactions. In granting an absolute property in the enfranchised inam, Government might have made out the title deed to one person, or, as in the present case, to six persons, but there is no reason to suppose that they contemplated the joint family which, as shown above, had no interest in the property. For the second assumption, the appellant relies strongly upon a remark in Abdukuri Venkataramadas (dead) and Others Vs. Pachigolla Gavarraju and Others, . ""In that case the title deed was made out jointly in favour of the widow and the next reversioner which might be taken as an indication that the reversioner should take the estate on the widow's death and not the widow's heirs."" Their Lordships

do not go so far as to say it must be taken as an indication and it is difficult to see why any such assumption should be made unless it is to be held

that Government think in the terms of Hindu Law. When Government state unequivocally ""this property shall be your absolute freehold,"" the

meaning is unmistakable and the fact that the document happens to have been issued in India does not import the provisions or the ideas of Hindu

Law. I therefore see no reason to traverse the decision of the learned District Judge on this point.

3. The only other question raised is whether the District Judge erred in law in his fifth paragraph in finding that the diglott register only raised some

presumption that Savitri-amma's portion in the property was family property inherited from her husband and in refusing to find it conclusively

proved in the absence of further evidence I consider the learned Judge's appreciation of this evidence perfectly correct and he was under no

necessity in law to accept it as conclusive.

4. No other point was raised. The appeal accordingly fails on all grounds and is dismissed with costs.