

**(1893) 10 MAD CK 0022**  
**In the Madras High Court**

Narana Maiya

APPELLANT

Vs

Vasteva Karanta and Another

RESPONDENT

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**Date of Decision :** 25-10-1893

**Acts Referred:**

**Citation :** (1894) ILR (Mad) 208 : (1894) 4 MLJ 62

**Hon'ble Judges :** Muttusami Ayyar, J; Best, J

**Bench :** Division Bench

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**Judgement**

1. There is nothing to show that the decree was obtained against the widow Mahalakshmi as the representative of her husband's estate, nor are we referred to any proceedings in that suit showing that the decree was not a personal one simply.

2. In Jugul Kishore v. Jotendro Mohun Tagore ILR 10 Cal. 985 the decree was passed against the husband. In Bisto Beharee Sahoy v. Lalla

Byjnath Pershad 16 W.R. 49 the husband's property was expressly made liable by the decree. Neither of these cases is, therefore, on all fours

with the present one, which is governed by the principle laid down by the Privy Council in Baijun Doobey v. Brij Bhookun Lall Awusti L.R. 2

IndAp 275 : ILR 15 Cal. 133

3. The razinamah does not, on its true construction, amount to a gift of an absolute estate to the widow. It merely recognizes the widow's right to possess the property during her life without making alienations.

4. The dismissal of the claim petition cannot affect the plaintiffs' claim as reversioner, a claim which only became enforceable on the widow's death in 1888. Further, the claim was dismissed without inquiry.

5. It is finally contended that the debt in question was due from the husband, as is also found by the District Munsif, and that the District Court was wrong in considering this point immaterial.
6. This was not the case of a voluntary sale by a widow in discharge of her husband's debt, but of a Court-sale in execution of a personal decree obtained against the widow. The Judge is therefore right.
7. We dismiss the appeal with costs.