

(1901) 07 AHC CK 0003
In the Allahabad High Court

Surajbali and Another

APPELLANT

Vs

Sri Pal Rai and Others and Raghunath Rai and Another

RESPONDENT

Date of Decision : 17-07-1901

Acts Referred:

Citation : (1902) ILR (All) 82

Hon'ble Judges : Banerji, J;Aikman, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Banerji and Aikman, JJ.—In this appeal the game question arises which arose in Letters Patent Appeal No. 24 of 1900, which we have just decided, namely, whether the share which a mother gets at a partition between her sons is her stridhan. We have held in that case that such a share must be deemed to be a woman's stridhan. That being so, Musammat Phuljhari was, competent to make the alienation which has been impeached in this case. It, is conceded that the decree for possession which, was made by the lower appellate court could not in any event be sustained. There is another reason why the suit must fail. Raghunath is a nearer reversioner than the plaintiffs, and as it has not been found that he is in collusion with the widow, the plaintiff's are not entitled to maintain the suit. On both these grounds the suit must fail. The result is that we allow the appeal, set aside the decree of the lower appellate court with costs, and restore that of the court of first instance. The appellants will get their costs of this appeal.