

(1924) 03 MAD CK 0077
In the Madras High Court

Venkayya and Another

APPELLANT

Vs

Mokkarala Bangarayya

RESPONDENT

Date of Decision : 18-03-1924

Acts Referred:

Citation : AIR 1925 Mad 401

Hon'ble Judges : Devadoss, J

Bench : Division Bench

Judgement

Devadoss, J.—Plaintiff sued for recovery of Rs. 424-9-6, (Rupees four hundred and Twenty-four, annas nine and pies six) due on a pro-note executed by a widow for family necessity and obtained a decree against her reversioners who petition to have it set aside. The question is whether in circumstances of necessity, a widow can bind the estate. It was originally held in Madras that she cannot do so. See Ramaswami Mudaliar v. Sellatammal (1882) 4 Mad. 375 but that ruling has been departed from in Regella Jagayya v. Venkataratnamma (1910) 33 Mad. 492. Dhiraj Singh v. Manga Ram (1897) 19 All. 300 follows the earlier Madras view. Calcutta has always held the other way. See Ramkoomar Mitter v. Ichamoyi Dasi (1881) 6 Cal. 36 and the whole question has been exhaustively summed up by Jenkins, C.J., in Sakrabhai v. Maganlal (1902) 26 Bom. 206 where it is held that the assets are liable as against the reversioners.

2. In the circumstances I see no reason to interfere. The petition is dismissed with costs.