

GANESA
RATNAMAIYAR
v.
GOPÁLA RAT-
NAMAIYAR.

Majesty that the decision of the High Court be affirmed, and that the appellants pay the costs of this appeal.

Solicitors for the Appellant: Messrs. *Gregory, Rowcliffes, and Rawle.*

Solicitors for the Respondents: Messrs. *Burton, Yeates, and Hart.*

APPELLATE CIVIL.

Before Mr. Justice Kernan and Mr. Justice Muttusámi Ayyar.

1880.
March 24.

PERU NAYAR (DEFENDANT) APPELLANT v. AYYAPPAN NAYAR
(PLAINTIFF) RESPONDENT.*

Anandravan—Separate maintenance.

Though the general rule is that an Anandravan cannot have separate maintenance, there are exceptions to that rule.

THIS suit was brought for maintenance due for three months from Chingom 1053 (August—September 1878). The defendant was Karanavan of the tárawád, and the plaintiff, as Anandravan, complained that the defendant refused to give him maintenance. The defendant denied the plaintiff's right to sue for separate maintenance and the ability of the tárawád property to bear the charge of separate maintenance and pleaded that plaintiff had failed to act up to the terms of a family karár.

The District Munsif rejected the suit without costs as he considered that the defendant had given cause for the plaintiff's separation from the tárawád house, while he (plaintiff) had given to the tárawád his self-acquired properties and had discharged a good part of the family debts.

The Appellate Court held that while such a suit ought not to be encouraged, a member like the plaintiff, compelled by the defendant to quit the tárawád house should have some remedy, such as might check the arbitrary exercise of control by the

* Second Appeal No. 593 of 1879 against the decree of C. Rámachandra ayyar, Subordinate Judge of South Malabar, dated 12th July 1879, reversing the decree of the District Munsif of Kootnad, dated 19th March 1879.

Karanavan. That while a bare pittance would discourage separate residence and maintenance, a slight charge upon the t^{ar}aw^{ad} property to be made good by the Karanavan would induce him to restore the discontented Anandravan.

PERU NAYAR
v.
AYYAPPAN
NAYAR.

The decree of the Court of First Instance was reversed and the plaintiff allowed maintenance for the time claimed at the rate of Rupees 2 per mensem.

Against this decree the defendant appealed on the ground that it was a well established rule of Malabar law that an Anandravan cannot claim maintenance separate from his t^{ar}aw^{ad}.

Mr. *Lascelles* for the Appellant.

P. V. Rangachariar for the Respondent.

The Court delivered the following

JUDGMENT :—We cannot say that the District Judge is wrong. Maintenance is provided by the kar^{ar}. Though the general rule is that an Anandravan cannot have separate maintenance, there may be rare exceptions, and this case the Judge has found is one as the Karanavan has been the cause of quarrels which necessitated the plaintiff leaving the family house. The maintenance granted is intended to discourage such applications, viz., Rupees 2 per mensem.

We dismiss the second appeal with costs.

Appeal dismissed.

APPELLATE CIVIL.

Before Mr. Justice Kindersley and Mr. Justice Muttusami Ayyar.

VENKATASUBBARAM^{AYYA} (PLAINTIFF), APPELLANT
v. SURAYYA (2ND DEFENDANT), RESPONDENT.*

1880.
August 18.

Suit to recover office of Karnam—Limitation.

The plaintiff's adoptive father was dismissed from the office of karnam on the 4th of April 1862 and the plaintiff, was appointed in his stead on the 29th April 1865. On the 25th September 1865 the plaintiff was dismissed and the second defendant appointed. The present suit for recovery of the office and land attached was filed on 21st September 1877.

* Second Appeal No. 337 of 1880 against the decree of J. Kelsall, Acting District Judge of God^{avari}, dated 22nd November 1879, reversing the decree of the District Munsif's Court of Rajahmundry, dated 6th September 1878.