

PATUMMA
MUSE BEARI.

decree (except in certain specified cases which it is not necessary here to advert to); at the same time three years' grace was given subject to the conditions stated in the last paragraph of s. 230 of Act X of 1877.

As observed in the case reported in *Kollu Shettati v. Manjaya*(1), the law immediately in force when Act X of 1877 was passed, and to which regard should be had in disposing of applications for execution of decrees, was the Limitation Act, and that only as regarded limitation; but when the Act of 1882 superseded the former Act, "the law in force immediately before the passing" of the Act of 1882 was the Limitation Act, *plus* the law regarding limitation contained in s. 230 of Act X of 1877; and under the latter, any application to execute the decree now in dispute was barred after the lapse of twelve years from the date of the decree, seeing that an application to execute it was made, and, as we find, granted in 1879.

We, accordingly, reverse the order of the District Judge and restore that of the District Munsif, and the appellant's costs in this Court and in the District Court will be paid by the respondent.

APPELLATE CIVIL.

Before Mr. Justice Muttusami Ayyar and Mr. Justice Parker.

KOMU (DEFENDANT No. 1), PETITIONER,

and

KRISHNA AND ANOTHER (PLAINTIFF AND DEFENDANT, No. 2),
RESPONDENTS.*

Mufassal Small Cause Court Act (Act IX of 1887), sch. II, art. 38—Jurisdiction—Suit for maintenance based on a family arrangement—Malabar law.

A suit for maintenance based on a family arrangement is within the jurisdiction of a Mufassal Small Cause Court.

A karnavan is not entitled of his own authority to set aside a family arrangement made on behalf of all the members of the tarwad.

PETITION under s. 622 of the Code of Civil Procedure, praying the High Court to revise the decree of V. P. deRozario, Subordinate Judge of Palghat, in Small Cause Suit No. 790 of 1886.

(1) I.L.R., 9 Mad., 456.

Civil Revision Petition No. 307 of 1886.

This was a suit on a karar, made on behalf of the members of the Malabar tarwad, securing the payment to one of the members of a certain sum by way of maintenance. The suit was filed as a Small Cause suit, and the karnavan of the tarwad was joined as defendant No. 1.

KOMU
v.
KRISHNA.

The plaintiff having obtained the decree prayed for, defendant No. 1 presented this petition to the High Court on the ground that the suit was not within the jurisdiction of Small Cause Court.

Mahadeva Ayyar for petitioner.

Gopalan Náyar for respondents.

The arguments adduced on this petition appear sufficiently, for the purpose of this report, from the judgment of the Court (Muttusámi Ayyar and Parker, JJ.).

JUDGMENT.—The basis of the claim decreed by the Subordinate Judge in the exercise of Small Cause jurisdiction was a family arrangement in writing, and we cannot say that he had no jurisdiction to entertain the suit for maintenance. As to the contention that he did not consider the objection taken by the petitioner, viz., that, as the present karnavan of the tarwad, he was entitled to set aside the karar sued upon, we are of opinion that the karnavan is not entitled of his own authority to set aside a family arrangement made on behalf of all the members of the tarwad. At the date of the suit, the karar was in force as a subsisting contract, and we must hold then that the Subordinate Judge acted neither illegally nor with material irregularity nor without jurisdiction in passing the decree which he has made.

We dismiss this petition with costs.