

obligee undoubtedly intended the money to be raised by means of a bond, that did not authorize Mir Hadi Hossein to pledge the obligee's immovable property. The probability is, that unless the immovable property had been pledged, the money could not have been obtained. We think, therefore, that the Court below has rightly found the bond to be genuine and duly authorized; and we also think that it has awarded a reasonable sum by way of interest. The interest payable under the bond itself was 15 per cent.; and the interest which the Judge has given to the plaintiff from the time when the bond became payable is 12 per cent., which, he says, is the customary rate in that part of the country.

The appeal must, therefore, be dismissed with costs.

Appeal dismissed.

Before Mr. Justice Birch and Mr. Justice Mitter.

JUSSODA KOER (PLAINTIFF) v. LALLAH NETTYA LALL
(DEFENDANT).*

1879
WARIDUN-
NESSA
v.
SURGADASS.

1879
March 25.

Certificate—Guardianship—Mithila Law.

Under Mithila law the mother of a minor is entitled to a certificate of guardianship in preference to the father.

Messrs. *Twidale* and *M. L. Sandel* for the appellant.

Baboo Mutty Lall Mookerjee for the respondent.

THIS was an application for a certificate of guardianship under Act XXVII of 1860 by one Mussamut Jussoda as the natural mother of one Maugniram, a minor, and for a certificate to collect the debts due to the estate of Guru Prosadh and his widow Gonesh Bati, who adopted Maugniram. The application was opposed by Lallah Nettya Lall, the next-of-kin to Guru

* Appeal from Original Order, No. 13 of 1879, against the order of J. M. Lewis, Esq., Judge of Bhagulpoore, dated the 28th December 1878.

1879
 JUSSODA
 KOER
 v.
 LALLAH
 NETTYA LALL.

Prosadh, on the ground that even if Gonesh Bati did adopt Maugniram, her, doing so would not, according to Mithila law, make Maugniram the heir of her deceased husband, and he asserted his right to collect the debt as next-of-kin to Guru Prosadh. The Judge of the Court below refused to grant a certificate. Mussamut Jussoda appealed to the High Court.

BIRCH, J. (MITTER, J., concurring). — In this case the Judge states that he is unable to grant a certificate, inasmuch as the witness called by Mussamut Jussoda admits that the father of the minor is alive, and, therefore, in the Judge's opinion, it would be unadvisable to grant a certificate of guardianship to the mother. The Judge appears to have overlooked the fact that this case is governed by the Mithila law, and that, under that law, the mother is the person to whom the certificate should be granted in preference to the father. The Judge's order must be reversed, and he must be directed to grant a certificate to Jussoda as guardian of the person of the minor and as manager of the minor's property. The appeal is allowed with costs.

Appeal allowed.

Before Mr. Justice Jackson and Mr. Justice Tottenham.

1878
 July 26.

RAJ BULLUBH SEN AND OTHERS (DEPENDANTS) v. OOMESH
 CHUNDER ROOZ (PLAINTIFF).*

Hindu Law—Reversioner—Conveyance by a Hindu Widow with the consent of the next Reversioner.

A grant by a Hindu widow, with the sanction and concurrence of the next reversioner, is valid, and creates a title which cannot be impeached on the death of the widow by the person who, but for such grant, would be entitled as heir of her husband.

THIS was a suit brought by the plaintiff for a declaration of his right in, and for partition of, certain properties mentioned in

Appeal from Appellate Decree, No. 528 of 1878, against the decree of Baboo Nobin Chunder Gangooly, Subordinate Judge of Beerbhoom, dated the 27th December 1877, modifying the decree of Baboo Kanty Chunder Bhadoory, Munsif of Bonepore, dated the 29th March 1877.