

RAKKEN
v.
ALAGAPPUDAN-
YAN.

evidence and *not* to its admissibility. In the case before us, there was such corroborative evidence though the weight due to it was a matter for the Judge to determine. I concur in the remarks made by my learned colleague about a *bond fide* purchaser for value without notice or knowledge of the real agreement of the parties and in the necessity for a distinct finding on the 2nd issue and in the order proposed by him.

APPELLATE CIVIL.

*Before Sir Arthur J. H. Collins, Kt., Chief Justice,
and Mr. Justice Parker.*

RAYAKKAL AND OTHERS (DEFENDANTS), APPELLANTS,

v.

SUBBANNA (PLAINTIFF), RESPONDENT.*

Hindu law—Power of father over ancestral land—Gift to daughters.

A Hindu, during the infancy of his son, conveyed certain immovable ancestral property to his wife and married daughters by way of gift. After his death the son sued by his next friend to have these alienations set aside and to recover the property :

Held, that the alienations should be set aside altogether.

SECOND APPEAL by the defendants against the decree of D. Irvine, District Judge of Coimbatore, in appeal suit No. 124 of 1890, affirming the decree of V. Malhari Rao, District Munsif of Coimbatore, in original suit No. 604 of 1888.

The facts of the case are stated above sufficiently for the purposes of this report.

Seshagiri Ayyar for appellants.

Bhashyam Ayyangar for respondent.

JUDGMENT.—The plea that some of the items of plaint property were the self-acquisition of Palani Gounden does not appear to have been pressed before the District Judge and apparently there is no evidence in support of the contention.

The deeds of stridhanam executed to the two daughters were executed after their marriage, and without the consent of plain-

* Second Appeal No. 1030 of 1891.

tiff, who was a minor, and together with the deed in favour of first defendant, they amount to more than half of the ancestral property. No authority in support of a Hindu father's power to make such an alienation of ancestral immovable property has been quoted at the bar, and we find that, in a similar case, the Allahabad High Court on the suit of a minor son held that such an alienation must be set aside, not only to the extent of the father's share, but altogether *Ganga Bisheshar v. Pirthi Pal*(1).

The second appeal must be dismissed with costs.

RAYANKAL
v.
SUBBANNA.

APPELLATE CIVIL.

Before Mr. Justice Muttusami. Ayyar and Mr. Justice Wilkinson.

SUBBARAYA (PLAINTIFF), APPELLANT,

v.

VYTHILINGA AND ANOTHER (DEFENDANTS NOS. 1 AND 2),
RESPONDENTS.*

1891.
April 1, 2, 8.
1892.
September 16.

Foreign Court—Bankruptcy in Mauritius—Right of suit by trustee under foreign composition-deed in British India—Stamp Act I of 1879, s. 31—Registration Act III of 1877, s. 17 (e).

A debtor and the firm of which he was a member were adjudicated bankrupts in Mauritius and a receiver was appointed by the Court. Subsequently the creditors met and resolved that if the adjudication was annulled, a composition, payable by instalments, be accepted in full satisfaction of their debts, and that the security of the plaintiff's firm be accepted for payment of such composition, and that the bankrupts' estate be assigned to that firm, and that the plaintiff be appointed trustee to carry out such arrangement.

An instrument was executed to give effect to these resolutions and was concurred in by the receiver and approved by the Court, which annulled the adjudication and ordered that the bankrupts' estate in Mauritius and India vest in the plaintiff, who was appointed trustee to carry out the said composition with full powers of realisation. The plaintiff now sued to recover movable and immovable property of the bankrupts in India :

Held, (1) that the above instrument was valid as a composition-deed and did not require to be stamped and registered as a conveyance : and that any surplus that might remain after payment to the creditors did not belong to the plaintiff's firm, but was subject to a trust for the bankrupts ;