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the principle and the decision of the Full Bench of this Court in *Chinnaya* v. *Gurunatham*(1). According to the last-mentioned decision, the manager of a joint Hindu family, in which there may be minors, has authority to acknowledge a debt, provided that it is not barred at the date of acknowledgment. In my opinion such an acknowledgment may often be necessary to obtain an extension of time for payment of minor's debt and thereby prevent imminent pressure on the minor's property, and I see no reason to think that it is not an act within the general power of a guardian to do what is either necessary in the interest of the minor or what is manifestly for his benefit. Following the principle of the decision of the Full Bench of the Madras High Court, I set aside the decree of the Subordinate Judge and remand the case for disposal on the merits. Costs incurred hitherto will abide and follow the result and be provided for in his revised judgment.

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## APPELLATE CIVIL.

*Before Mr. Justice Muttusami Ayyar and Mr. Justice Best.*

1893. November 14. 1894. February 7.

GANAPATI BHATTA (PLAINTIFF), APPELLANT,

*v.*

BHARATI SWAMI AND ANOTHER (DEFENDANTS), RESPONDENTS.*

*Hindu law—Powers of the head of a caste in respect of caste customs—Jurisdiction of the Civil Courts.*

In a matter relating to caste customs over which the ecclesiastical chief has jurisdiction, and exercises his jurisdiction with due care and in conformity to the usage of caste, the Civil Courts cannot interfere.

A guru, as head of a caste, has jurisdiction to deal with all matters relating to the autonomy of caste according to recognised caste customs. *The Queen* v. *Sankara*(2) and *Murari* v. *Suba*(3) cited and followed.

SECOND APPEAL against the decree of S. Subbayyar, Subordinate Judge of South Canara, in appeal suit No. 37 of 1891, affirming the decree of M. Mundappa Bangera, District Munsif of Mangalore, in original suit No. 245 of 1889.

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(1) I.L.R., 5 Mad., 169.
(2) I.L.R., 6 Mad., 381.
(3) I.L.R., 6 Bom., 725.
* Second Appeal No. 1603 of 1892.

The Lower Courts decreed in favour of the defendants. The plaintiff preferred this appeal.

The facts of this case appear sufficiently for the purpose of this report from the judgment of the High Court.

*Pattabhirama Ayyar* for appellants.

*Ramachandra Rau Saheb* for respondents.

JUDGMENT.—The parties to this appeal are Havik Brahmans, who form a sub-division of the Brahman community in South Canara. First respondent is the head or the ecclesiastical chief of the sub-caste; the second is his parupathyagar or manager; and appellant is a member of the caste subject to the spiritual jurisdiction of first respondent. On the 17th May 1887, first respondent issued against appellant a provisional order of excommunication and communicated it to the Vaidikas and Grahastas, secular and lay Brahmans of Mangalore. Three caste offences are mentioned in the order. The first is that when the guru went to appellant's division or hobli, appellant neglected to visit him and pay the kanike or fee as other Havik Brahmans did, though he was duly apprised of first respondent's arrival; the second is that when the people of Vittal remonstrated with him against his conduct and advised him to see his guru, he referred to his disapproval of the excommunication of one Sham Bhatta and others of the Bayar village and to his promise to those persons to continue in caste communion with them, and declared that it was not necessary for him either to see the first respondent or to pay to him the arrears of kanike or fee. The third caste offence is that he associated with persons already excommunicated in defiance of first respondent's authority as the chief of his sub-caste. The order proceeds then to state that it shall be in force until appellant attends before first respondent and obtains an order disposing of the matters mentioned therein. It purports to be signed by second respondent under the orders of first respondent.

Appellant brought this suit to have it declared that the order passed against him is unjust and invalid on the ground that it was issued without notice to him and that he suffered thereby both in his property and reputation. In defence respondents admitted the order, but alleged that it was only provisional and that it was fully competent to first respondent as the head and chief of his caste to issue such order. The District Munsif considered that first respondent was at liberty to deal with questions relating

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to caste and religious usages, and that the Civil Courts ought not to interfere to prevent first respondent from correcting caste misconduct. On this view, the District Munsif dismissed the suit with costs; and on appeal the Subordinate Judge confirmed the decision. He observed (i) that the order was provisional in its nature; (ii) that the decisions marked as exhibits I to III and VI and that reported in *The Queen* v. *Sankara*(1) showed that as guru first respondent had authority to inquire into the misconduct of his disciples and to punish them for caste offences and derelictions. He was also of opinion that appellant's liability to pay kanike or subscription or fee was a caste matter and that appellant had no right to complain unless the fee demanded was unreasonable or extortionate, which it was not in the case before us as evidenced by exhibit XIV. He found further that due notice was given to appellant, and that if no inquiry was held, it was because of appellant's contumacious conduct in refusing to attend such inquiry. He also remarked that appellant asked but for a declaratory decree in regard to a temporary interdict or an *ad interim* order in respect of certain caste imputations, and that in his judgment this was a case in which he, in the exercise of the discretion vesting in him under section 42 of the Specific Relief Act, might properly refuse to pass a merely declaratory decree. Hence this second appeal.

For appellant it is contended that upon the facts found, the decision of the Subordinate Judge is wrong in law; but we are unable to accede to this contention. The relation between appellant and first respondent is that of a member and the ecclesiastical chief of his caste. Whether the disciple should visit his guru and make his obeisance, whether the former should pay the latter a kanike or fee by virtue of the spiritual relation, and whether the disciple should abstain from intercourse with persons already excommunicated by his guru are matters relating to the autonomy of caste with which, as the head of the caste, first respondent has jurisdiction to deal according to recognized caste custom. It was held in *The Queen* v. *Sankara*(1) and *Murari* v. *Suba*(2) that a guru's jurisdiction extends over such matters. This being so, the facts found show that first respondent exercised his jurisdiction *bonâ fide*. It is found that the fee demanded

(1) I.L.R., 6 Mad., 381. (2) I.L.R., 6 Bom., 725.

was neither unreasonable nor extortionate. It is not denied that appellant did violate the duty which he owed to first respondent by refusing to visit him. The provisional nature of the order shows that care was taken to see that the punishment by way of excommunication which, as ecclesiastical chief, first respondent was competent to inflict, was not more extensive than was necessary to enforce obedience to caste duties. As observed by the Subordinate Judge, if there has been no inquiry, its absence is due to appellant's contumacious refusal to attend for such inquiry. In a matter relating to caste customs over which the ecclesiastical chief has jurisdiction and exercises his jurisdiction with due care and in conformity to the usage of caste, the Civil Courts cannot interfere.

The decision of the Courts below is open to no legal objection, and we dismiss this appeal with costs.

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## APPELLATE CIVIL.

*Before Mr. Justice Muttusami Ayyar.*

SOBHANADRI APPA RAU (PLAINTIFF), PETITIONER.,

*v.*

CHALAMANNA AND OTHERS (DEFENDANTS), RESPONDENTS.*

1893. April 6. September 12.

*Rent Recovery Act (Madras) —Act VIII of* 1865, *s.*10—*Suit to recover arrears of rent due under a decree given under s.* 10—*Limitation Act—Act XV of* 1877, *sched. II, art.* 110—*Whether limitation commences from date of decree or from the dates when the various sums in arrears were payable.*

In a suit for arrears of rent due under a decree given under section 10 of the Rent Recovery Act (Madras Act VIII of 1865) the period of limitation in article 110, schedule II of the Limitation Act, commences from the date when the plaintiff was in a position to sue for rent, *i.e.*, the date of the decree.

THESE were petitions under section 25 of Act IX of 1887 praying the High Court to revise the decree of C. Rangayya, District Munsif of Bezwada, in Small Cause Suits Nos. 502, 503 and 505 to 511 of 1891.

The facts of the case (petition No. 42 of 1892) which governed the other petitions were as follows.

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* Civil Revision Petitions Nos. 42 to 50 of 1892.