

SRINIVASA
SASTRIAL
v.
SAMI RAU.

The next point urged is that an appeal should have been preferred against the order of the District Munsif directing a second attachment. But that order was a mere direction of the Court without notice to either party and in no case could defendant have been made a party to the appeal if there had been one.

The decision quoted in *Puddomonee Dossee v. Roy Muthooranath Chowdhry* (1) lays down no general rule, but the effect of it is that it is a matter of inference in the particular case whether the striking off of an execution petition terminates an attachment. We agree with the District Judge that in this case there was no intention to abandon or to terminate the attachment. This may be inferred not only from plaintiff's subsequent conduct, but from the very terms of the sale-deed under which the defendant purchased, provision being therein made that defendant should pay off the balance of the decree debt in the suit in which the attachment had been made. No mention in terms is made of the attachment, but it is a legitimate inference that it was then regarded as subsisting.

We dismiss the second appeal with costs.

APPELLATE CIVIL.

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

RAMAPPA UDAYAN (DEPENDANT No. 1), APPELLANT,

v.

ARUMUGATH UDAYAN (PLAINTIFF), RESPONDENT. *

Hindu law—Succession of a daughter's daughter to her grandfather's estate.

On the principle laid down in *Nallamma v. Ponnal* (2), a daughter's daughter is, in the absence of preferential male heirs, entitled to succeed to her grandfather as a *bhandu*.

SECOND APPEAL against the decree of V. Srinivasa Charlu, Subordinate Judge of Kumbakonam, in appeal suit No. 7 of 1892,

* Second Appeal No. 23 of 1893.

(1) 12 B.L.R., 411.

(2) I.L.R., 14 Mad., 149.

reversing the decree of A. Ramalingam Pillai, District Munsif of Tiruvalur, in original suit No. 480 of 1890.

Suit for the possession of certain property. It was admitted on both sides that the property in dispute was originally the property of a Hindu, who dying left a widow (Kamalam) and two daughters. The plaintiff contended that, Kamalam and one of the daughters having died, the surviving daughter Meenakshi inherited her grandfather's property. Meenakshi sold the property to one Swarnum, who sold it to plaintiff, both conveyances being registered. The defendants alleged that Kamalam had previously sold the property, which in its turn was sold to defendant No. 1, both defendants being now in possession of it. Kamalam's conveyance was not registered.

The District Munsif dismissed the suit, but his decree was reversed by the Subordinate Judge, who held that Meenakshi was heir to her grandfather, and that her registered conveyance defeated the prior unregistered deed of her mother.

The first defendant preferred this appeal.

Sivasami Ayyar for appellant.

The respondent was not represented.

JUDGMENT.—We think the case quoted by the Subordinate Judge, *Nallanna v. Ponnal*(1), is sufficient authority for holding that a daughter's daughter is a bhandu on the principle there laid down that consanguinity may be recognized as the basis of title to succession in the absence of preferential male heirs. Meenakshi was a direct relation by blood to her grandfather through her mother his daughter.

The second appeal therefore fails and it is dismissed.

RAMAPPA
UDAYAN
#. ARUMUGATH
UDAYAN.

(1) I. L. R., 14 Mad., 149.