

became a debtor to Venkataramanna within the meaning of the Act. No certificate can, therefore, be granted to respondent under the Act. (See *Narayan Bhau Bartake v. Tatia Ganpatrao Deshmukh*(1)).

SUBBANNA  
MUNEKKA.

I set aside the order of the Judge and dismiss the application for a certificate with costs.

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## APPELLATE CIVIL.

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

DAIVACHILAYA PILLAI AND OTHERS (PLAINTIFFS),  
APPELLANTS,

1894.  
December 13.

v.

PONNATHAL AND OTHERS (DEFENDANTS NOS. 1, 3 TO 29  
AND 31 TO 48), RESPONDENTS.\*

*Court Fees Act—Act VII of 1870, s. 17—Suit by reversioners to declare various alienations by a Hindu widow to be invalid against them.*

When reversioners sue to have declared invalid as against them alienations made by a Hindu widow, a Court fee of Rs. 10 must be paid in respect of each of the alienations in question.

SECOND APPEAL against the decree of W. Dumergue, District Judge of Madura, in appeal suit No. 56 of 1893, confirming the decree of C. Gopalan Nayar, Subordinate Judge of Madura (East), in original suit No. 15 of 1893.

The plaintiffs sued as reversionary heirs to have it declared that certain alienations made by defendant No. 1, the widow of the last male holder, were invalid as against them. The alienations in question were 42 in number, but a Court Fee stamp of Rs. 10 only was affixed to the plaint.

The Subordinate Judge rejected the plaint, an order by him to the effect that a Court fee should be paid in respect of each of the alienations in question not having been complied with. The District Judge concurred in his view of the Subordinate Judge.

The plaintiffs preferred this second appeal.

*Parthasaradhi Ayyangar* for appellants.

*Mr. E. Norton* for respondents.

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(1) I.L.R., 15 Bom., 580.

\* Second Appeal No. 1256 of 1894.

DAIVACHILAYA JUDGMENT.—We are of opinion that the Judge's decision is  
 PILLAI correct. The point now raised as to whether a single fee of Rs.  
 v. PONNATHAL. 10 is sufficient was not argued and considered in *Narayana v. Mutlayan*(1).

We agree with the Lower Courts that each separate alienation is a different subject within the meaning of section 17 of the Court Fees Act. Though all such alienations may be included in one suit, according to the course of decisions in this Presidency, it does not follow that each alienation is not a separate subject requiring a separate Court fee. Each alienation creates a distinct right vesting in the alienee, and, therefore, when the reversioner seeks for a declaration that a number of distinct alienations are invalid, he must be held to be suing for that number of declarations. The test indicated in *Moti Singh v. Kaunsilla*(2) appears to us to contain the correct principle on which should be determined the question as to the number of declarations which are sought to be obtained in any particular suit.

We dismiss this appeal with costs.

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## APPELLATE CIVIL.

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

1895.  
 March 18, 20 •

NARAYANASAMI GRAMANI (DEFENDANT), APPELLANT,

v.

PERIATHAMBI GRAMANI (PLAINTIFF), RESPONDENT.\*

*W's V.—Divise of one kani out of an estate—Selection by the devisee.*

The owner of land, measuring one kani and three-quarters, died, leaving a will by which he devised one kani thereof to the plaintiff, who now sued to recover one kani selected by him out of the land in question :

*Held*, that plaintiff had the right to make his selection and was entitled to a decree.

SECOND APPEAL against the decree of W. F. Grahame, District Judge of South Arcot, in appeal suit No. 297 of 1893, affirming the decree of K. Rangamannar Ayyangar, District Munsif of Villupuram, in original suit No. 76 of 1893.

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(1) I.L.R., 7 Mad., 184. (2) I.L.R., 16 All., 808.

\* Second Appeal No. 1520 of 1894.