

MANIAN  
PATTER  
v.  
THE  
MADRAS  
RAILWAY  
COMPANY  
BY ITS  
AGENT AND  
MANAGER.

Judges who decided the case was not drawn to the inapplicability of the presumptions and doctrines as to penalties therein relied on to cases of forfeiture of deposits, and their decision if it proceeds solely on those doctrines cannot, as inconsistent with the well established view of the law on the point, be followed.

The appeal is dismissed with costs.

Messrs. Orr, David & Brightwell—Attorneys for respondent.

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## APPELLATE CIVIL.

*Before Mr. Justice Davies and Mr. Justice Benson.*

MANICKAM PILLAI (PLAINTIFF), APPELLANT,

v.

RAMALINGA PILLAI AND OTHERS (DEFENDANTS Nos. 2 AND 3),  
RESPONDENTS.\*

*Hindu Law—Reversionary right, nature of—Transfer of Property Act  
IV of 1882, s. 6.*

The right of a presumptive reversionary heir under Hindu Law is no more than a *spes successionis* or expectancy of succeeding to the property. Such expectancy cannot be transferred under section 6 of the Transfer of Property Act.

SUIT to recover lands. The lands were purchased by the plaintiff, from the nearest presumptive reversioner, whilst they were in the possession of the widow of the last male owner. The first issue was, whether the plaintiff acquired any right under the sale.

Both the lower Courts dismissed the plaintiff's suit.

Plaintiff preferred this second appeal.

*R. Kuppuswami Ayyar* for appellant.

*K. S. Ramaswami Sastri* for respondents.

JUDGMENT.—The reversioner had nothing to sell. The right of a presumptive reversionary heir under the Hindu law is no more than a *spes successionis* or expectancy of succeeding to the property. This has been clearly ruled by the Privy Council in *Bahadur Singh*

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\* Second Appeal No. 404 of 1903, presented against the decree of M.R.Ry. P. S. Gurumurti, Subordinate Judge of Kumbakonam, in Appeal Suit No. 240 of 1902, presented against the decree of Syed Tajuddin Sahib, District Muasif of Negapatam, in Original Suit No. 413 of 1900.

v. *Mohar Singh* (1). Such an expectancy cannot be transferred under section 6 of the Transfer of Property Act [*Narasimham v. Madavarayulu* (2)].

MANICKAM  
PILLAI  
v.  
RAMALINGA  
PILLAI.

We dismiss the second appeal with costs.

## APPELLATE CIVIL.

*Before Sir S. Subrahmaniam Ayyar, Officiating Chief Justice,  
and Mr. Justice Sankaran Nair.*

RAJAMMA (PETITIONER), APPELLANTS,

v.

RAMAKRISHNAYYA AND ANOTHER (RESPONDENTS),  
RESPONDENTS.\*

1905  
August 16.

*H; du Law-Acquisitions out of salary, prima facie separate property--Succession Certificate Act VII of 1889, s. 19--Discretion of Court in granting certificate.*

Money connected with insurance, the premia for which are paid out of the salary of a deceased Hindu, is *prima facie* his separate property.

*Mahadeva Pandia v. Rama Narayana Pandia*, (13 M.L.J., 75), followed.

Where an application for a succession certificate under Act VII of 1889 by the widow of the deceased in respect of such money is opposed by his brother on the sole ground that the deceased was educated at the family expense, the certificate ought to issue in favour of the widow.

APPLICATION under Act VII of 1889 by the widow of a deceased Hindu for a certificate to enable her to collect the monies due on policies of insurance standing in the name of the deceased, as his heir as well as legatee under his last will and testament.

The brother of the deceased opposed the application on the ground that the policies were joint family property to which he was entitled by survivorship. He prayed for a certificate in favour of himself.

The District Judge granted the certificate to the brother.

The widow preferred this appeal to the High Court.

(1) I.L.R., 24 All., 94.

(2) 13 M.L.J., 323.

\* Civil Miscellaneous Appeal Nos. 7 and 8 of 1905, presented against the order of H. O. D. Harding, Esq., District Judge of South Canara, dated the 11th and 15th November 1904, in Original Petitions Nos. 112 and 129 of 1904, respectively.