

## APPELLATE CIVIL.

Before Mr. Justice Munro and Mr. Justice Abdur Rahim.

1908  
August 24.  
September  
11.

DEVAGUPTAPU PEDA SATYANARAYANA, MINOR, BY  
HIS FATHER AND GUARDIAN APPALARAJU  
(PLAINTIFF), APPELLANT,

v.

GOGULAPATI NARASAMMA AND OTHERS (DEFENDANTS),  
RESPONDENTS.\*

*The Proprietary Estates Village Service Act (Madras), Act II of 1894 s. 13--Enfranchisement of lands forming part of emoluments of office, right to.*

Mere registration of a minor as the heir of a Kurnam, under section 13 of Madras Act II of 1894, does not give him any right to object to the enfranchisement of lands, forming the emoluments of the office, in the name of one who is the actual heir of the deceased office-holder in respect of his other properties.

*Venkata v. Rama*, (I. L. R., 8 Mad., 249), referred to.

SUIT for cancellation of a putta issued in the name of the first defendant.

The lands in question formed the emoluments of the office of Kurnam of a certain village. The last Kurnam, V, died leaving two daughters, the first defendant and the deceased mother of the plaintiff, and the plaintiff, a minor, him surviving. On V's death, the plaintiff was registered as his heir to the office under section 13 of Madras Act II of 1894, which gave him a claim to be appointed when he came of age.

Subsequently, the lands were enfranchised in the name of first defendant, who, as the surviving daughter of V, was his heir. The plaintiff brought this suit to cancel the putta issued to first defendant on the ground that, as he was registered as the heir of V, the lands ought to have been enfranchised in his name.

The Munsif and, on appeal, the Subordinate Judge dismissed the suit.

\* Second Appeal No. 1449 of 1907, presented against the decree of M. R. Ry D. Raghavendra Row, Temporary Subordinate Judge of Vizagapatam, in Appeal Suit No. 21 of 1906, presented against the decree of M. R. Ry. A. S. Krishnaswami Ayyar, District Munsif of Yellamanchilli, in Original Suit No. 300 of 1905.

The plaintiff appealed to the High Court.

*Sitarama Rau* for *D. Srirama Sastri* for appellant.

*The Government Pleader* for third respondent.

*V. Ramesam* for first and second respondents.

DEVA-  
GUPTAPU  
PEDA  
SATYA-  
NARAYANA,  
v.  
G. G. ULAPATI  
NARASAMMA.

JUDGMENT.—Venkappa, deceased, was Kurnam of Koduru. He had two daughters, one the first defendant and the other the mother of the plaintiff. Venkatappa died in 1901 and the plaintiff who was then a minor was registered as Venkappa's heir under section 13 of Madras Act II of 1894. The lands which formed the emoluments of the Kurnam's office were in 1903 enfranchised in the name of the first defendant, the plaintiff being then still a minor and his mother being dead. The plaintiff now sues for cancellation of the putta issued in the name of the first defendant and for issue of putta in his own name. He failed in both the Courts below.

We think the plaintiff's suit was rightly dismissed. At the time of the enfranchisement the first defendant, and not the plaintiff, was Venkappa's heir in respect of any other property of his. The plaintiff's claim is based before us not on the ground that he had actually been appointed Kurnam at the time of the enfranchisement, but on the ground that he had been registered as Venkappa's heir as above mentioned. As was observed in *Venkata v. Rama* (1) the plaintiff, if he had been appointed to the office before the lands were enfranchised, might have a foundation for his claim to the lands. But the question is whether mere registration under section 13 of Madras Act II of 1894 gives the plaintiff the right which he seeks to enforce. The effect of such registration is merely to declare that the person registered is entitled on attaining majority, or within three years thereafter, to be appointed to the office, provided he is duly qualified. In the meantime the duties of the office are to be performed by some other qualified person. Till enfranchisement the inam of course continued to be attached to the office but at the time of enfranchisement there was no good ground for passing over the first defendant and issuing putta in the name of the plaintiff who was not the office-holder then, and who might never be appointed to the office.

We therefore dismiss this second appeal with costs.