

Procedure Code is concerned to compensation for improper *arrest*. There are no grounds for revision of the award of compensation on the merits either in respect of the award itself or of the amount awarded.

IBRAHI
ROWTHEN
v.
SANGARAM
SHETTY.

The petition is dismissed with costs.

APPELLATE CIVIL.

Before Mr. Justice Davies and Mr. Justice Bhashyam Ayyangar.

SUNDARI AMMAL (PLAINTIFF), APPELLANT,

v.

SUBRAMANIA AYYAR (DEFENDANT), RESPONDENT.*

1902.
December 19.

Hindu Law—Liability of father to get his daughter married.

Under the Hindu Law, a father is under no legal obligation to get his daughter married.

Vaikuntam Ammangar v. Kallipiram Ayyangar, (I.L.R., 23 Mad., 512), explained.

Where a wife expended money on her daughter's marriage and then sued her husband for the amount so expended :

Held, that she was not entitled to recover.

Sue by a wife against her husband for the amount spent by her on their daughter's marriage. The District Munsif refused to give plaintiff a decree on this claim, but he allowed the cost of maintenance. Plaintiff appealed to the District Judge, who agreed with the Munsif that the defendant was not under an obligation which could be legally enforced to get his daughter married. He also found that defendant had not agreed to pay the expenses of a marriage arranged by the mother.

Plaintiff preferred this second appeal.

K. R. Subrahmania Sastri for appellant.

P. S. Sivaswami Ayyar for respondent.

JUDGMENT.—That the father is under no legal obligation to marry his daughter is practically concluded by the dictum in

* Second Appeal No. 1401 of 1901, presented against the decree of J. H. Munro, District Judge of Tanjore, in Appeal Suit No. 540 of 1900, presented against the decree of T. R. Kuppusami Ayyangar, District Munsif of Tiruvalur, in Original Suit No. 586 of 1898.

SUNDARI]
AMMAL
v.
SUBRA-
MANIA AYYAR.

Namasivayam Pillay v. Annammai Anamal(1) and by the opinion of a Division Bench of this Court in *Seshammal v. Munisami Mudaliar*(2). The decision in *Vaikuntam Ammangar v. Kallipirani Ayyangar*(3) in no way departs from that view, but distinguishes between the case of a father and that of a person succeeding to the father by survivorship or inheritance.

The suit was not really one on contract nor could the plaintiff have sued on the alleged contract.

The second appeal fails and is dismissed with costs.

APPELLATE CIVIL.

Before Mr. Justice Benson and Mr. Justice Bhashyam Ayyangar.

1902,
November 25.

BOJA REDDI (DEFENDANT), APPELLANT,

v.

PIERUMAL REDDI AND ANOTHER (PLAINTIFFS), RESPONDENTS.*

Malicious prosecution—Reasonable and probable cause—Conviction of plaintiff by Court of First Instance and acquittal on appeal—Maintainability of suit for malicious prosecution.

In a claim for compensation for malicious prosecution, it does not follow that the suit will not lie, where the plaintiff has been convicted by a competent Court, and has been acquitted on appeal. The true principle is that the suit will lie if the plaintiff was ultimately acquitted on appeal by reason of the original conviction having proceeded on evidence which was known by the complainant to be false or on the wilful suppression by him of material information.

SUIT for damages for malicious prosecution. The facts of the case, so far as they are material to the point decided, are set out in the judgment. The District Munsif decreed in plaintiffs' favour, and assessed the damages at Re. 1. Plaintiffs appealed to the District Judge, who increased the damages to Rs. 75.

(1) 4 M.I.C.R., 339.

(2) Refd. Case No. 40 of 1896 (unreported).

(3) I.L.R., 23 Mad., 512.

* * Second Appeals Nos. 1137 and 1138 of 1901, presented against the decrees of H. G. Joseph, District Judge of Trichinopoly, in Appeal Suits Nos. 149 and 142 of 1900, presented against the decree of C. Ranga Row, District Munsif of Ariyalur, in Original Suit No. 657 of 1899