

APPELLATE CIVIL.

Before Mr. Justice Newsam.

1939,
March 17.

GAJA GOPI REDDI, MINOR BY GUARDIAN AND MOTHER
SESHAMMA (PETITIONER), PETITIONER,

v.

PULLA RAMI REDDI (FIRST RESPONDENT),
RESPONDENT.*

Madras Agriculturists Relief Act (IV of 1938), ss. 19 and 20—Judgment-debtor a joint Hindu family—Petition under sec. 20 filed by father and manager of the family—Stay of execution obtained—Application under sec. 19 to scale down the debt not filed within sixty days—Applications subsequent by minor son under ss. 19 and 20 of the Act—Sustainability of.

In a case in which the judgment-debtor was a joint Hindu family, the father and manager of the family filed a petition under section 20 of Madras Act IV of 1938 and obtained stay of execution, but failed to file an application under section 19 of that Act (for scaling down the debt) within sixty days. Later on his minor son, represented by his mother, filed applications under sections 19 and 20 of the Act.

Held that the applications were unsustainable.

The concession is not that every member of the family in succession may obtain sixty days' stay. The joint family is bound by any order passed on the application of any member or by any default committed by any member.

PETITION under section 115 of Act V of 1908, praying the High Court to revise the order of the Court of the District Munsif of Kurnool, dated 14th August 1938 and made in Execution Application No. 685 of 1938 in Execution Petition No. 611 of 1937 in Original Suit No. 46 of 1937.

* Civil Revision Petition No. 1074 of 1938.

K. Srinivasa Rao for petitioner.

P. Chandra Reddi for respondent.

GOPI REDDI
v
RAMI REDDI.

JUDGMENT.

NEWSAM J.—The facts are these. The judgment-debtor was a joint Hindu family. The father and manager of the joint family filed a petition under section 20 of the Act and obtained stay of execution, but failed to file an application under section 19 (for scaling down the debt) within sixty days. Later on his minor son, represented by his mother, filed applications under sections 19 and 20 of the Act, which have been dismissed.

NEWSAM J.

The question arises whether every member of a joint family can file a petition under sections 19 and 20 or *any* member. The word used in section 19 is *any* member, and that must obviously be so, for it is a concession to joint families that any member entitled to relief may apply for stay and scaling down. The concession is not that every member of the family in succession may obtain sixty days' stay. Obviously the joint family is bound by any order passed on the application of any member, or by any default committed by any member. I dismiss this petition with costs.

V.V.C.