

said:—"The Indian law, like our own, does not completely dissolve the tie of marriage until the lapse of a specified time after the decree. This is an integral part of the proceedings by which alone both the parties to the marriage can be released from their incapacity to contract a fresh one." Following this decision I hold that the respondent's marriage with his former wife was still in force when he went through the form of a marriage with the petitioner.

I find on the issues that the petitioner professes the Christian religion, and that the marriage between her and the respondent is null and void.

I make a declaration accordingly. The respondent will pay the petitioner's costs.

Suit decreed.

REVISIONAL CIVIL.

Before Mr. Justice Chamier.

MUTASADDI LAL (APPLICANT) *v.* MULE MAL (OPPOSITE PARTY).*

Act No. XII of 1887 (Bengal, N.-W. P. and Assam Civil Courts Act), sections 8 (2), 21 (3)—Assignment to Additional Judge of cases coming from a particular district—Jurisdiction.

A District Judge has power not merely to make over appeals to an Additional Judge for hearing, but to direct that all appeals and other cases coming from a particular area within the judicial division shall be filed in his Court.

THE facts of this case were as follows:—

An application was made under section 193 of the Code of Criminal Procedure for sanction to prosecute the applicant before the Subordinate Judge of Muzaffarnagar, but it was dismissed by him. An appeal was addressed to and filed in the court of the Additional District Judge of Meerut, who allowed it and granted the sanction asked for. The applicant came up in revision to the High Court. The case was heard by CHAMIER, J., on the 24th of November, 1911, when he called on the Additional Judge to show how he came to exercise jurisdiction in the case. The Additional Judge submitted that the District Judge of Meerut had, by an order passed in 1907, directed that all appeals from the Muzaffarnagar district should be filed in his court.

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Mr. *C. Ross Alston* (with him Mr. *A. H. C. Hamilton*), for the applicant :—

Under section 21, sub-section (3) of Act No. XII of 1887, the District Judge has no power to assign cases in this manner. It may be done by the Local Government by some general order. The word 'assign' in the sub-section does not mean assigned by the District Judge. Ordinarily no appeals would lie in the court of the Additional Judge from an order of the Subordinate Judge. They may be transferred to him for hearing, but they cannot be filed in his court. There is no section empowering the District Judge to pass such an order.

Dr. *Tej Bahadur Sapru*, for the opposite side, referred to section 8, clause (2), of Act No. XII of 1887. Section 8, clause (2), would apply if the functions of the Judge can be said to include the receiving as well as the hearing of the appeals.

CHAMIER, J.—On November, the 24th, I called upon the Additional Judge to explain how he came to exercise jurisdiction in this case and to forward to this Court, copies of any general or special orders bearing upon the question. The report now made by the Additional Judge and the copies of orders submitted by him show that in 1907 the District Judge of Meerut assigned to the Additional Judge all appeals, applications and miscellaneous cases coming from the Muzaffarnagar district, and it is in pursuance of those orders that the present Additional Judge entertained the appeal in the present case. It is contended that the District Judge had no power to make over the work of the Muzaffarnagar district to the Additional Judge and that the word *assign* in section 21, sub-section (3), of the Civil Courts Act does not refer to action to be taken by the District Judge but to action to be taken by the Local Government. There is no section in the Act which empowers the Local Government to *assign* to an Additional Judge work which in the ordinary course would come before a District Judge, but there is a provision in section 8, sub-section (2), to the effect that an Additional Judge shall discharge any of the functions of the District Judge which the District Judge may *assign* to him. It is quite clear to me that the District Judge had power to *assign* appeals and other cases coming from the Muzaffarnagar district to the Additional Judge.

Therefore the Additional Judge had jurisdiction to hear the appeal in the present case. The application for revision fails and is dismissed with costs.

Application dismissed.

APPELLATE CIVIL.

Before Mr. Justice Karamat Husain and Mr. Justice Chamier.

RAJA DEI (DEFENDANT) v. UMED SINGH (PLAINTIFF).*

Hindu law—Hindu widow—Suit by remote reversioner to set aside alienation by widow—Immediate reversioner a female having a life estate only—Acceleration of estate.

N died leaving a widow W, a daughter R D and a daughter's son K S. W, during the life-time of R D, made a gift of the property to K S. Held, on suit by other reversioners more remote than K S for a declaration that the gift was not binding on them, that the suit would lie. The question of the acceleration of K S's estate would not arise because at the date of the gift donee was not the next reversioner. *Balgobind v. Ram Kumar* (1), *Hanuman Pandit v. Jota Kunwar* (2) and *Abinash Chandra Mazumdar v. Harinath Shaha* (3) followed. *Madari v. Malki* (4) and *Iskwar Narain v. Janki* (5) dissented from. *Rani Anand Koer v. The Court of Wards* (6) referred to.

THE facts of this case were as follows :—

One Nagina died, leaving a widow, Musammat Waziri and a daughter, Raja Dei. During the life-time of the daughter, Musammat Waziri made a gift of the property to the daughter's son, Kan Singh. The plaintiffs, who were the next male reversioners, brought the present suit to set aside the alienation. The defendant pleaded that they had no right to sue, and that the gift merely accelerated the succession of Kan Singh.

Both courts held that there could be no question of acceleration, as the gift was made not to the daughter but to the daughter's son. They also held that the plaintiffs, in spite of being remote reversioners, were entitled to sue. The defendant appealed.

* Second Appeal No. 402 of 1911 from a decree of C. E. Guiterman, Additional Judge of Saharanpur, dated the 9th of March, 1911, confirming a decree of Pramatha Nath Banerji, Subordinate Judge of Saharanpur, dated the 22nd of March, 1910.

(1) (1884) I. L. R., 6 All., 431.

(2) Weekly Notes, 1903, p. 207.

(3) (1904) I. L. R., 32 Calc., 62.

(4) (1884) I. L. R., 6 All., 428.

(5) (1898) I. L. R., 15 All., 132.

(6) (1880) L. R., 8 I. A., 14;

I. L. R., 6 Calc., 764.

1912

MUTASADDI

LIAL

v.

MULE MAL.

1912

January, 8.