

REVISIONAL CIVIL.

1925
December,
1.

Before Mr. Justice Walsh and Mr. Justice Kanhaiya Lal.

IN THE MATTER OF DURGA BAI.*

Act No. VIII of 1890 (*Guardians and Wards Act*), section 31, sub-section 3, clause (d); section 48—Order of District Judge limiting amount to be spent on marriage of ward—Revision—Appeal.

An order passed by the District Judge under section 31, sub-section 3, clause (d) regarding the amount to be spent by the guardian on the minor's marriage is not appealable and no revision lies from such a decision under section 48 simply on the ground of inadequacy of the amount awarded. *Ram Jas v. Chani* (1), not followed.

THE facts of this case, so far as they are necessary for the purposes of this report, appear from the order of the Court.

Munshi *Shabd Saran*, for the applicant.

WALSH and KANHAIYA LAL, JJ.:—This is an application in revision against an order made by the District Judge of Agra with regard to the disposition of the funds of certain minors by their guardian. The girl is 13, and the learned Judge, by the order complained of, has allowed Rs. 100 for her marriage, and Rs. 50 for the education of the boy. The grounds for this application are that having regard to the status of the ward and the customary expenditure upon marriage ceremonies in a Hindu family, at least Rs. 500 should have been awarded. It seems to us that *prima facie* there is something to be said for this contention. Rs. 100 is certainly small. On the other hand, it sometimes happens that people, when left to their own devices, spend proportionately a larger sum than is prudent upon marriage ceremonies, and we appreciate the fact that

* Civil Revision Application of 1925.
(1) (1920) 55 Indian Cases, 587.

in all probability the Judge was desirous of preventing extravagance and of protecting the interests of the minors during the remaining part of their tutelage, having regard to the total funds available for their benefit. These are matters strictly within the discretion of the District Judge, the Act having rightly vested jurisdiction in the principal civil court in the locality to decide what is best in such matters, having regard to the interests of the minors in the future as well as in the present. The learned Judge, in any event, is in a better position than the High Court to know what proportion of the funds available ought to be allowed to be expended upon an important event like a marriage. We are asked to interfere under section 48 which is equivalent to section 115 of the Code of Civil Procedure. We are of opinion that a revision does not lie in a matter which is purely a question of amount and a question of discretion, and we do not think that the case cited from the Lahore Court (1), in which a single Judge expressed an opinion, which was only a dictum, that a revision might lie, is an adequate authority to justify interference. On the other hand, we appreciate the motives which have led to this application, and we think it possible that the learned Judge might come to the conclusion, on reconsideration, that the amount might be increased without injury to the future prospects of the minors, and that the better course would be for him to give notice to the parties and re-open the matter with a view to considering whether the sum of Rs. 100 for the marriage expenses is sufficient. In form this application is rejected.

(1) (1920) 55 Indian Cases, 587.

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Application rejected.