

be reduced by the sum of Rs. 142-12-0. A fresh redemption decree will be prepared in this Court. Six months' time is allowed from this date for payment. The appellants will have their costs in proportion to their success and will pay costs in proportion to their failure. The cross-objection is dismissed with costs.

1927

BAZ  
BAHADUR  
SINGH  
v.  
RAGHUBER  
PRASAD.

*Appeal allowed in part.*

### MISCELLANEOUS CIVIL.

*Before Mr. Justice Lindsay and Mr. Justice Sulaiman.*

RAJA SRI KRISHNA DUTT DUBE BAHADUR (PLAIN-  
TIFF) v. RAM ACHHAIBAR RAI AND OTHERS (DEFEND-  
ANTS).\*

1927

March, 10

*Act (Local) No. III of 1926 (Agra Tenancy Act), section 254—Reference to High Court by Board of Revenue—Reference not to be of an abstract point, but of a concrete case arising before the Board.*

Section 254 of the Agra Tenancy Act, 1926, does not contemplate the reference to the High Court of merely an abstract point of law, but the reference of a concrete case coming before the Board of Revenue in which the particular point upon which the Board desires to have the opinion of the High Court arises.

IN this case the Bench had before it a letter from the Registrar of the Board of Revenue to the Registrar of the High Court which purported to be a reference to the High Court under the provisions of section 254 of the Agra Tenancy Act, 1926. The facts of the case, so far as they are necessary for the purposes of this report, appear from the judgement of the Court.

Pandit Narmadeshwar Prasad Upadhiya and  
Munshi Shambhu Nath Seth, for the appellant.

\* Miscellaneous Case No. 35 of 1927.

1927

Munshi *Harnandan Prasad*, for the respondents.

RAJA SRI  
KRISHNA  
DUTT DOBE  
BAHADUR  
v.  
RAM  
ACHHAIBAR  
RAI.

LINDSAY and SULAIMAN, JJ.:—This case comes before us as a reference made by the Board of Revenue under the provisions of section 254 of the Agra Tenancy Act, Act No. III of 1926. The points referred for our opinion are set out in a letter addressed to the Registrar of this Court and signed by the Registrar of the Board of Revenue. It is stated in this letter that the members of the Board of Revenue desire the opinion of this Court on three questions of law which are specified. Along with this reference a number of records have been sent which, so far as we are able to gather, are records of cases which the Board of Revenue has already decided.

Looking at the terms of section 254 of the Tenancy Act above referred to, it appears to us that this section contemplates a reference to this Court by the Board of Revenue in connexion with some case which is actually pending before the Board. We do not think that this section justifies any reference in order to obtain an opinion upon any question of law arising in a case which has already been decided by the Board of Revenue. In other words, we are not disposed to construe section 254 as giving authority for the Board of Revenue to refer to this Court abstract questions of law detached from any concrete case which may be pending before the Board for decision. We notice, however, that in the letter of the Registrar of the Board of Revenue it is stated in paragraph 4 that there are several cases now pending before the Board involving the first and second points of law which are referred to in the letter. If the Board of Revenue desires to have the opinion of this Court under the section in question, we think the

proper course is for one of these pending cases to be submitted to this Court together with a statement of the facts of the particular case and a statement of the conflicting opinions of the members who are dealing with it. A copy of this order should be sent to the Board of Revenue and the matter will be taken up again when the record of any case pending before the Board and involving the points of law referred to is submitted to us with a statement of the facts and a statement of the opinions of the members of the Board. We consider it essential to have the case presented to us in this way in order to enable us to issue notice to the parties who must be represented by counsel when the case comes up before this Court for disposal.

1927

RAJA SRI  
KRISHNA  
DUTT DUBEY  
BAHADUR  
v.  
RAM  
ACHHAIBAR  
RAI.

## APPELLATE CIVIL.

*Before Mr. Justice Ashworth and Mr. Justice Kendall.*

RIKHDEO TIWARI (PLAINTIFF) v. SUKHDEO TIWARI  
AND OTHERS (DEFENDANTS).\*

1927  
March, 11.

*Hindu law—Hindu widow—Alienation by widow—Question as to origin of widow's title—Adverse possession.*

On the death of one *ST*, *N*, who was the widow of a pre-deceased nephew of his, got possession of some of his property and remained in possession for more than twelve years. The widow and one of two grandsons having alienated some of this property, the other grandson sued to have the sale set aside.

*Held*, that *N* had acquired a title which was good not only against the reversioners to *ST*, but as against the reversioners to her husband's estate.

*Lajwanti v. Safa Chand* (1), distinguished. *Varada Pillai v. Jeevarathnammal* (2) and *Kali Charan v. Piari* (3), referred to.

\* Second Appeal No. 1883 of 1924, from a decree of Zorawar Singh, Additional Subordinate Judge of Ghazipur, dated the 5th of September, 1924, confirming a decree of Kanhaiya Lal Nagar, Munsif of Muhammadabad, dated the 4th of April, 1923.

(1) (1924) I.L.R., 5 Lah., 192.

(2) (1919) I.L.R., 43 Mad., 244.

(3) (1924) I.L.R., 46 All., 769.