

1931

EMPEROR
v.
RAGHU-
NANDAN
PRASAD.

In the circumstances I do not think that there is any occasion for me to interfere with the orders passed. If the Magistrate could act under the section, as it seems to me he was justified in doing, no fault can be found with the nature of the order passed for regulating the conduct of the applicant's trade or occupation in such a way as to interfere as little as possible with the comfort of the neighbours. The application therefore fails and is dismissed.

APPELLATE CIVIL.

Before Mr. Justice Sen and Mr. Justice Bennet.

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March, 16.

BANKEY LAL (PLAINTIFF) v. PEARL LAL AND ANOTHER
(DEFENDANTS).*

Hindu law—Endowment—Dedication to a god of the Hindu pantheon, by name—Dedication unassociated with any particular idol or shrine—Validity.

An endowment in favour of one of the gods of the Hindu pantheon, who is mentioned by name, is not void for uncertainty according to Hindu law. So, a deed of endowment under which property was dedicated to "Sri Ram Chanderji Maharaj, the God of the two worlds", and the deity was not associated with any particular idol or shrine, was *held* to be valid.

Mr. N. P. Asthana, for the appellant.

Mr. Hazari Lal Kapoor, for the respondents.

SEN and BENNET, J.J.:—The facts of the case, which have given rise to this appeal, lie to within a very narrow ambit. In 1910, Harsahai Mal, father of the plaintiff and of the two defendants, executed a will under which he directed that the property in dispute, which is a house situate in Bareilly, should go to his three sons after his death, but out of the usufruct of this property Rs. 100 a year was to be spent for the maintenance and upkeep of a Dharamshala. On the 22nd July, 1919, Harsahai Mal

*Second Appeal No. 1202 of 1928, from a decree of P. C. Plowden, District Judge of Bareilly, dated the 3rd of April, 1928, confirming a decree of Girish Prasad, Subordinate Judge of Bareilly, dated the 20th of June, 1927.

appears by his conduct to have revoked this will. He executed a registered deed of endowment under which he dedicated the property in controversy to Sri Ram Chanderji Maharaj, the God of the two worlds. He directed that out of the income of the property Rs. 100 had to be spent annually for the support of *sadhus* and travellers seeking shelter in the Dharamshala.

Harsahai Mal died. The present suit was instituted on the 8th April, 1927, for a declaration that the document, dated 22nd July, 1919, was fit to be set aside, because no valid endowment was created in favour of Sri Ram Chanderji Maharaj for two-fold reasons: (1) because the property was the joint family property of Harsahai Mal and his sons, and (2) because there could be no valid dedication in favour of an impersonal deity.

These pleas were repelled by the court of first instance which dismissed the suit. The lower appellate court has affirmed the decision. The lower appellate court came to the conclusion that the property in suit was the self-acquired property of Harsahai Mal, and that the latter was therefore competent to execute the deed of endowment, dated 22nd July, 1919.

It has been argued that there could be no valid or operative endowment in favour of Sri Ram Chanderji Maharaj, "the God of the two worlds", because he was an impersonal deity. It is true that under the Hindu system of jurisprudence a general endowment for the worship of an impersonal God for whom the benefit of an endowment was intended to take effect was void for uncertainty. This has been held in *Phundan Lal v. Arya Prithi Nidhi Sabha* (1) and in *Chandi Charan Mitra v. Haribola Das* (2). In the present case it could not be argued that the endowment was void for uncertainty. Here we have a trust created in favour of Sri Ram Chanderji Maharaj, who is worshipped as

(1) (1911) I.L.R., 33 All., 793.

(2) (1919) I.L.R., 46 Cal., 951.

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an incarnation of Vishnu. The rulings aforesaid, therefore, are not applicable. We may also mention that in the plaint the document was not sought to be set aside upon the ground that it was void for uncertainty. No authority has been cited in support of the proposition that an endowment in favour of one of the gods of the Hindu pantheon, who is mentioned by name, is void under the Hindu law. This is the only point which has been urged in this appeal. We overrule this contention and dismiss this appeal with costs.

MISCELLANEOUS CIVIL.

1931
 March, 18

Before Sir Shah Muhammad Sulaiman, Acting Chief Justice and Mr. Justice Bajpai.

GURU CHARAN PRASAD AND ANOTHER (APPLICANTS) *v*
 BABURAO VISHNU PARARKAR (OPPOSITE PARTY).*

Contempt of court—Newspaper—Advertising a will propounded by one party but impugned by the other in a pending suit—Object being to create general impression and atmosphere in favour of the will and its genuineness.

The publication, as an advertisement, by a newspaper of the copy of a will, with the knowledge that the will was being propounded by one party and impugned by the other in a pending suit, the object of the publication obviously being to create an atmosphere in favour of the will and adverse to the contesting party by making the public believe in the existence and genuineness of the will, was calculated to interfere with the fair administration of justice and amounted to a contempt of court.

Messrs. *Iqbal Ahmad, K. N. Katju and K. K. Verma*, for the applicants.

Messrs. *K. D. Malaviya and J. C. Mukerji*, for the opposite party.

SULAIMAN, A. C. J. and BAJPAI, J. :—This is an application for taking proceedings against Baburao Vishnu Pararkar, editor, printer and publisher of the

*Miscellaneous Case No. 194 of 1931.