

appellant to produce a certificate of the sale to him, and it was competent for him to prove his purchase *alimule*. The confirmation of the sale to him under Act VIII of 1859 was *prima facie* evidence of his title, and—to use the words of Pontifex, J., in *Duorga Narain Sen v. Baney Madhub Mozocmdar* (1)—“was sufficient to pass such title to him, of which a certificate, if afterwards obtained by him, would merely be evidence that the property had so passed.”

1883

JAGAN NATH
v.
BALDEO.

Before Sir Robert Stuart, Kt., Chief Justice, Mr. Justice Straight, Mr. Justice Oldfield, Mr. Justice Brodhurst and Mr. Justice Tyrrell.

1883

February 16,

JAI RAM (DEFENDANT) v. DULARI CHAND AND ANOTHER (PLAINTIFFS).*

Act XII of 1881 (N. W. P. Rent Act), s. 191—Appeal—Appeal to High Court from appellate decree of District Judge passed in appeal from appellate decree of Collector—Jurisdiction.

An appeal lies to the High Court from a decree of a District Judge passed in appeal from an appellate decree of a Collector.

THIS was a reference to the Full Bench by Straight and Tyrrell, JJ. The facts of the case and the question referred are stated in the order of reference, which was as follows:—

TYRRELL, J.—In this case the Collector of the District heard an appeal from the decree of an Assistant Collector in a suit. The District Judge entertained and determined an appeal from the appellate decree of the Collector: and now the decree of the District Judge has been made the subject of what is described as a second appeal to this Court.

It is provided by the 191st section of the Rent Act, that “the decisions of District Judges passed in regular appeal under this Act shall be open to special appeal to the High Court in the same manner and subject to the same rules as the decisions of the District Judges passed on regular appeal are open to special appeal under the Code of Civil Procedure and the Indian Limitation Act, 1877.”

We refer to the Full Bench the question, whether an appeal lies in this case, where the decree of the District Judge has not been passed in appeal from the decree or decision of a Court of first instance.

* Second Appeal No. 265 of 1882, from a decree of J. W. Haver, Esq., Judge of Ghazipur, dated the 17th December, 1881, reversing a decree of W. Pringle, Esq., Collector of Ballia, dated the 11th August, 1881, reversing a decree of Munshi Ganpat Sahai, Assistant Collector, 2nd class, dated the 20th June, 1881.

(1) I. L. R., 7 Calc., 207.

1883

JAI RAM
 v.
 DULARI
 CHAND.

Munshis *Hanuman Prasad* and *Sukh Ram*, for the appellant.
 The *Junior Government Pleader* (*Babu Dwarka Nath Banarji*),
 for the respondents.

The Full Bench delivered the following opinion :—

STUART, C. J., and STRAIGHT, OLDFIELD, BRODHURST, and
 TYRRELL, JJ.—We are of opinion that an appeal does lie.

1883
 February 16

*Efere Sir Robert Stuart, Kt., Chief Justice, Mr. Justice Straight, Mr. Justice
 Oldfield, Mr. Justice Brodhurst, and Mr. Justice Tyrrell.*

MUNIA AND ANOTHER (DEFENDANTS) v. PURAN (PLAINTIFF)

*Hindu Law—Hindu widow—Immoveable property acquired from deceased uterine
 brother—Stridhan—Alienation—Husband's heirs.*

Immoveable property acquired by a childless Hindu widow from her deceased
 uterine brother is her *stridhan* and *stridhan* with which the heirs to her husband
 have nothing to do. Over such property her control is absolute and unimpeach-
 able, and the relations of her husband have no such reversionary *status* in respect
 of it as will entitle them to sue to set aside an alienation of it by her.

THE plaintiff in this suit claimed to set aside a transfer by gift
 of certain immoveable property by the defendant Munia to the de-
 fendant Janki, on the ground that, being a childless Hindu widow,
 the defendant Munia had only a life interest in the property, and
 he, plaintiff, was entitled to succeed thereto, as her deceased husband's
 heir. It appeared that the property had belonged to the defendant
 Munia's deceased husband and his brother. They had sold it
 to her brother, and on her brother's death it had come into her
 possession. The defendant Janki, to whom the transfer in dispute
 was made, was an heir to the defendant Munia's father. The
 defendants set up as a defence to the suit that, having regard
 to the fact that the defendant Munia had acquired the property from her
 brother, and not from her husband, the plaintiff was not competent
 to impeach the transfer. The Court of first instance allowed this de-
 fence and dismissed the suit. On appeal by the plaintiff the lower
 appellate Court held that, while an heir to her husband was living, the
 defendant Munia was not competent to alienate the property, and
 gave the plaintiff a decree setting aside the transfer in dispute.

* Second Appeal No. 179 of 1882, from a decree of J. M. C. Steinbelt, Esq.,
 Judge of Banda, dated the 23rd December, 1881, reversing a decree of Kazi Wajeh-
 ul-lah Khan, Subordinate Judge of Banda, dated the 18th August, 1881.