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their Lordships of the Judicial Committee in *Masit Ullah v. Damodar Prasad* (1), has now clearly established the law as to the binding nature of an alienation of joint family property made by the father to satisfy the debts of the grandfather as against the grandson when such debts are neither immoral nor illegal. The item of Rs. 966-4-8 was, in the circumstances of the case, a valid consideration in part for the purchase. I therefore agree with my learned brother in dismissing this appeal with costs.

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By Court.—This appeal is dismissed with costs.

Appeal dismissed.

APPELLATE CIVIL.

Before Sir Louis Stuart, Kt., Chief Judge, and Mr. Justice Wazir Hasan.

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NAWAB SHARAF JEHAN BEGAM (DECREE-HOLDER-APPELLANT) *v.* NAWAB MIRZA MOHAMMAD SADIQ ALI KHAN (JUDGMENT-DEBTOR-OBJECTOR-RESPONDENT).*

Rents and profits of the estate of a deceased, whether liable for the satisfaction of his debts—Assets of a deceased, whether include rents and profits of the deceased's estate—Receiver, appointment of—Decree-holder not willing to leave any margin for the maintenance of the judgment-debtor—Appointment of a receiver of the whole estate of the judgment-debtor, whether just or convenient.

The applicant obtained a decree for her dower debt against the assets of her deceased husband and in execution of her decree applied for the appointment of a receiver of the estate of her deceased husband in the hands of his other heirs.

Held, that it being admitted that the villages in question were the assets of the deceased, it follows that the rents and profits accruing from those villages were also his assets, for rents and profits are legal incidents of immovable property

* Execution of Decree Appeal No. 45 of 1926, from the order and decree of Mahmud Hassan Khan, Subordinate Judge of Sitapur, dated the 17th of September, 1926, allowing the objection of the judgment-debtor and dismissing the decree-holder's application.

(1) 3 O.W.N., p. 721.

and must bear the same character as the property itself. *Olagappa Chetty v. Hon. D. Arbuthnot*, (1874) L. R., 1 I. A., 315, and *Kadirvalusami Nayagar v. The Eastern Development Corporation, Ltd., London*, (1924) I. L. R., 47 Mad., 411 (F. B.), followed.

Where the respondent had succeeded exclusively to the *taluga*, but he was only one of the many judgment-debtors and substantial portions of the assets of the deceased were held by the other judgment-debtors and the decree-holder asked for the appointment of a receiver of the whole *taluga* and was not willing to leave any margin in the assets even for the maintenance of the respondent and his family, held, that in the above circumstances it would not be just or convenient to make an order for the appointment of a receiver of the whole *taluga*. [*Rajindra Narain Singh v. Sundara Bibi*, (1925) L. R., 52 I. A., 262, relied upon.]

Messrs. *Ishri Prasad, Habib Ali Khan and Girja Shankar*, for the appellant.

Messrs. *Bisheshar Nath Srivastava, Bishambhar Nath Srivastava and Mujtaba Husain*, for the respondent.

STUART, C. J., and HASAN, J. :—This is the decree-holder's appeal from the order of the Subordinate Judge of Sitapur, dated the 17th of September, 1926, in proceedings relating to the execution of the decree dated the 3rd of January, 1923, obtained by the appellant, Nawab Sharaf Jehan Begam, against the respondent, Nawab Mirza Mohammad Sadiq Ali Khan, and several others, from the court of the Subordinate Judge of Lucknow, for a sum of rupees three lakhs and interest. The decree was transferred to the court of the Subordinate Judge of Sitapur for execution under an order, dated the 30th of April, 1924, passed by the court of the Subordinate Judge of Lucknow.

The decree-holder is the widow of the late Nawab Mirza Mohammad Baqar Ali Khan, resident of the city of Lucknow and Taluqdar of the estate of Kanwa

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Khera, situate in the district of Sitapur. The decree is for the dower debt, and its satisfaction is directed to be made from the assets of the deceased Nawab Mirza Baqar Ali Khan. Besides the respondent, Mirza Mohammad Sadiq Ali Khan, who is the eldest son of the deceased Nawab and the heir-at-law to the taluqdari estate, there are several other judgment-debtors who were sued in the character of heirs to the estate of the late Nawab.

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The application for execution out of which this appeal arises asks the relief of the appointment of a receiver in respect of 53 villages, constituting the *taluqa* of Kanwa Khera and held in possession by the respondent, Nawab Sadiq Ali Khan. On an objection raised by the respondent, the learned Subordinate Judge has rejected the application of the decree-holder on the main ground that the profits of the estate, as they would accrue from year to year, are not assets of the deceased Nawab Mirza Mohammad Baqar Ali Khan.

We do not agree with the learned Subordinate Judge. It is admitted that the villages, in respect of which an order for appointment of a receiver is prayed for, are the assets of the deceased Nawab. It follows, according to our judgment, that the rents and profits accruing from the villages are also his assets. Rents and profits are legal incidents of immovable property and must bear the same character as the property itself. The matter is concluded by the decision of their Lordships of the Judicial Committee in the case of *Oolagappa Chetty v. Hon. D. Arbuthnot* (1). Their Lordships observed:—“*Primâ facie* the polliem was hereditary. If it was hereditary and descended to the minor son as the heir of his father, the income of the zamindari was liable to pay the debts incurred by the deceased zamindar.”

(1) (1874) L.R., 1 I.A., 315.

This decision was followed in the Full Bench case of *Kadirevelusami Nayagar v. The Eastern Development Corporation, Ltd., London* (1), decided by Sir W. S. SCHWABE, C. J., and C. TROTTER and RAMESAM, JJ.

Now remains the question as to whether this is a fit case in which an order of appointment of a receiver should be passed. We have come to the conclusion that it is not. The respondent is only one of the many judgment-debtors. Substantial portions, other than the *taluga* in possession of the respondent, of the assets of the deceased Nawab are held by or adjudged in favour of the other heirs. Amongst such portions are the Government Promissory Notes of the value of Rs. 2,13,100. Besides, the decree-holder by asking for the appointment of a receiver of the whole *taluga* asks for the dispossession of the respondent from the same. Admittedly the *taluga* has devolved exclusively on the respondent by right of succession under the provisions of the Oudh Estates Act, 1869. The decree-holder does not ask for the appointment of a receiver in respect of only a portion of the *taluga*. At the hearing of the appeal the learned Counsel for the respondent on instructions from his client expressed his readiness to place under the management of a receiver six villages yielding a net profit of Rs. 21,640 per annum to be appropriated towards the satisfaction of the decree till it was satisfied in its entirety.

The pleader for the decree-holder refused to accept the arrangement. It will thus appear that the decree-holder is not willing to leave any margin in the assets even for the maintenance of the respondent and his family and for his daily necessaries. Had she done so it would have been consistent with the course

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pointed out by their Lordships of the Judicial Committee in the case of *Rajindra Narain Singh v. Sundara Bibi* (1).

Having regard to the above circumstances, therefore, we do not consider that it would be just or convenient to make an order for the appointment of a receiver in respect of the whole *taluqa*. On these grounds we dismiss this appeal. As regards costs we would direct that each party shall bear her and his costs in both the courts.

Appeal dismissed.

APPELLATE CIVIL.

Before Sir Louis Stuart, Kt., Chief Judge, and Mr. Justice Muhammad Raza.

UDAI DAT (PLAINTIFF-APPELLANT) v. AMBIKA PRASAD
AND OTHERS (DEFENDANTS-RESPONDENTS).*

1926
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Hindu law—Alienation by Hindu widow to provide suitable dowry for her daughter, validity of—Dowry given by Hindu widow to her daughter, alienation for.

Held, that a Hindu widow of a separated Hindu governed by the Mitakshara law has a right to make an alienation to provide a dowry for her daughter in ordinary circumstances, and such an alienation cannot be questioned by the reversioners, provided it is a reasonable alienation in the circumstances of the case. The question whether it is or is not a reasonable alienation in the circumstances of the case is a question of fact. *Mahadeo Prasad v. Dhanraj Kuar*. (1926) 3 O. W. N., 529 : S. C., I. L. R., 1 Lucknow, 477, and *Churaman Sahu v. Gopi Sahu*, (1910) I. L. R., 37 Calc., 1, followed.

The provision of a suitable dowry is in the same category as the provision of suitable garments and ornaments, and the

* Second Civil Appeal No. 183 of 1926 against the decree, dated the 6th of February, 1926, passed by Ziauddin Ahmad, officiating Subordinate Judge of Gonda, upholding the decree dated the 23rd of November, 1925, of Bishnath Hukku, Munsif, Gonda, dismissing the suit.

(1) (1925) I.R., 52 I.A., 262.