

Stamps on this appeal and on appeal in the Lower Appellate Court will be refunded. Other costs will be costs in the cause.

*Appeal accepted—Case remanded.*

---

## APPELLATE CIVIL.

*Before Mr. Justice LeRossignol and Mr. Justice Campbell.*

GOKAL CHAND (JUDGMENT DEBTOR)—*Appellant,*

*versus*

HUKAM CHAND-NATHU MAL (DECREE-HOLDER)—  
*Respondent.*

Civil Appeal No. 2709 of 1917.

*Execution of decree—decree against judgment-debtor's shares in the joint family property including the appellant's separate property—whether the latter's separate property is liable after he has quitted the family.*

The appellant, a member of the Indian Civil Service, was one of the judgment-debtors under a decree passed by the Chief Court in appeal which was to the following effect "that the appellants (judgment-debtors) are liable on the *hundis* in suit to the extent of their shares in the joint family property and that the separate property of the first appellant Gokal Chand shall be held to be joint family property liable for the satisfaction of the decree. This decree shall be against the defendants' shares which shall be deemed to include Gokal Chand's separate property"—*vide Gokal Chand v. Hukam Chand* (1).

The question before this Court was, what property of Gokal Chand's remains liable under the decree after he has quitted the family.

*Held*, that if Gokal Chand has quitted the family, all of his property that remains liable for the satisfaction of the decree is (1) his share in the joint family property and (2) his separate property such as it was up to the date on which he quitted the family. His separate property acquired after he quitted the family is not and never was joint family property.

---

(1) 70 P. R. 1917, p. 287.

*Miscellaneous appeal from the order of P. J. Rust, Esquire, Senior Subordinate Judge, Ferozepore, dated the 25th July 1917 ordering that the future salary of the appellant be attached in execution of the decree.*

1921

— —  
GOKAL CHAND  
v.  
HUKAM CHAND  
NATHU MAL.

TEK CHAND, for appellant.

GULATI, for respondent.

The judgment of the Court was delivered by—

LEROSSIGNOL, J.—This appeal arises out of the execution of a decree against appellant and others in which the separate property of appellant was made liable as being a part of the joint family property.

The main question in the appeal is whether the separate property of a member of a joint Hindu family whose separate property has been declared to be joint family property for the satisfaction of a decree, remains joint family property for that limited purpose, after he has quitted the family.

The Court below has refused to decide whether in fact the appellant has quitted the family, on the ground that whether he has or has not, his separate property remains liable to satisfy the decree until the decree has been completely discharged.

With this proposition we cannot agree. No doubt it seems strange that a member of a Hindu family who has secured a special training at the expense of that family should by quitting it be able to avoid liability for a decree against that family property, but this is not the only anomaly in Hindu law.

The decree under consideration is against the joint family property including the separate property of a certain member of the joint family. It follows that when that member quits the family, all of his property that remains liable for the satisfaction of the decree is (1) his share in the joint family property, (2) his separate property such as it was up to the date on which he quitted the family. His separate property acquired after he quitted the family is not and never was joint family property.

1921

GOKAL CHAND

v.

HUKAM CHAND-  
NATHU MAL.

Another objection by the appellant is that in this Court's decree there is no mention of interest, but this Court's decree affirmed the first Court's decree and merely specified in addition what property should be liable to satisfy the decree.

The Court below must decide the appellant's objection that he has separated from the family. We note that in the original suit a similar objection was put forward in argument and at that time no definite date of separation could be asserted, but the appellant may be able to show that he separated at some date later than the original suit.

We accordingly accept the appeal and remand the case for the decision of the above noted point, if it is still pressed by the appellant.

Costs to follow final event.

*Appeal accepted—Case remanded.*

---