

APPELLATE CIVIL.

Before Mr. Justice Campbell and Mr. Justice Tck Chand.

BHAGWAN SINGH AND OTHERS (DEFENDANTS)

Appellants

versus

Mst. KEWAL KAUR AND OTHERS (PLAINTIFFS)

Respondents.

Civil Appeal No. 2422 of 1922.

Joint Hindu Family—Manager—Obligation of— to maintain the widows and children of the members of the family.

Held, that the manager of a joint *Mitakshara* family is under a legal obligation to maintain all male members of the family, their wives and their children, and on the death of one of the male members he is bound to maintain his widow and his children.

First appeal from the decree of Lala Khan Chand Janmeja, Subordinate Judge, 1st class, Jhang, dated the 22nd May 1922, directing the defendants to pay to the plaintiffs Rs. 23 per month, etc.

NANAK CHAND and MEHR CHAND, MAHAJAN, for Appellants.

M. L. PURI, for Respondents.

JUDGMENT.

CAMPBELL J.

CAMPBELL J.—One Bhagwan Singh had a son Sulakhan Singh, who was employed in the Kangra District as a Forest Ranger and died in November 1918. Sulakhan Singh left a widow *Mussammat* Kewal Kaur and an infant son and daughter. Bhagwan Singh had a second wife by whom he had two sons, Sardar Singh and Shikar Singh. The present suit is by *Mussammat* Kewal Kaur on behalf of herself and her children against Bhagwan Singh

and Sardar Singh and Shikar Singh for maintenance. She claimed Rs. 55 a month for maintenance and residence and asked that this amount should be made a charge upon what she alleged to be the joint family property.

The main pleas by the defendants were, firstly, that Sulakhan Singh had separated and was not at the time of his death a member of a joint Hindu family; secondly, that under Hindu Law the grandchildren of Bhagwan Singh had no right of maintenance; and thirdly, that the family property was very small and of very small value, not amounting to more than Rs. 600 *per annum*.

The trial Court gave the plaintiffs a decree for Rs. 20 *per mensem* for maintenance and Rs. 3 as allowance for residence and declared that the amount of Rs. 23 should be a charge upon the joint family property. The defendants have appealed.

The learned counsel for the appellants has been unable to contest the finding that there was a joint Hindu family in which Sulakhan Singh was a coparcener and that no separation had been proved. The second point in the defence that the grandchildren have no right to maintenance has no force. A grandfather may be under no *personal* obligation to maintain his grandchildren, but the manager of a joint Mitakshara family is under a *legal* obligation to maintain all male members of the family, their wives and their children, and on the death of one of the male members he is bound to maintain his widow and his children.

It is contended that the decree should not have been made a charge on the family property, but the Court below had full power to make such a decree, and in the circumstances it was justified in my opinion.

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The only question which has been argued with any great vehemence is the appropriate amount of the monthly allowance. In regard to this the trial Judge has considered carefully the evidence about the value of the family property and the status of the family, and, in my opinion, he has come to a just conclusion which I would not disturb.

I would dismiss the appeal with costs.

TEK CHAND J.

TEK CHAND J.—I agree.
A. N. C.

Appeal dismissed.

REVISIONAL CIVIL.

Before Mr. Justice Zafar Ali and Mr. Justice Jai Lal.

KESAR SINGH AND OTHERS (PLAINTIFFS) Appellants

versus

SHIROMANI GURDWARA PRABANDHAK
COMMITTEE, AMRITSAR, AND ANOTHER
(DEFENDANTS) Respondents.

Civil Revision No: 381 of 1926.

Sikh Gurdwaras Act, VIII of 1925, sections 3 (4), 32—whether applicable in absence of a notification—Revision from order of Civil Court that the Act applies—whether competent—Validity of a gift to a Gurdwara—whether determinable by a Civil Court or the Tribunal.

In a suit by plaintiffs (as reversioners of one M. S.) for a declaration that the gift by his widow of his entire landed estate to the langar (kitchen) of Guru Ram Das attached to the Darhar Sahib, Amritsar, was invalid and inoperative as against them, the defendants pleaded that the claim fell within the ambit of section 32 of the Sikh Gurdwaras Act, which ousted the jurisdiction of the Civil Courts. The trial Court accepting the plea submitted the record to the District Judge asking him to forward it to the Tribunal under the Act. Plaintiffs applied to the High Court for revision and it was contended by defendants that no revision was competent as the order of the lower Court was interlocutory.

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