

and this must certainly have been the intention, as the supplementary agreement was made for their relief on account of their inability to carry out the terms of the agreement of 1892.

On the 7th issue I find that the plaintiffs are entitled to recover Rs. 1,500 plus the solicitors' costs for preparing the trust-deed and debentures to be ascertained on taxation, and costs, and interest at 6 per cent. per annum on the judgment from the date of final order which will be made as soon as the costs are duly reported.

The defendants must pay their own costs, except in so far as they may be entitled to recover any from Mr. Marshall.

Attorneys for plaintiffs:—Messrs. *Crawford, Burder and Co.*

Attorneys for defendants:—Messrs. *Thákurdás, Dharamsi and Cúma.*

ORIGINAL CIVIL.

Before Mr. Justice B. Tyabji

IN RE THE ESTATE OF H. G. MEAKIN, DECEASED.

ALICE MEAKIN (PETITIONER).

Minor—Guardian—Minor residing in England—Jurisdiction of High Court.

Where a mother residing at Poona, the widow of a deceased European inhabitant of Poona, applied to be appointed guardian of her three minor children (two of whom were residing with her and the third, a girl of the age of sixteen years, was residing in England) and to have certain payments made to her out of the estate of their deceased father on their account, and to have certain powers over their persons given to her and to have the costs of the application paid out of the shares of the said three minor children in the hands of the Administrator General of Bombay, the Court made the order applied for.

IN chambers. This was a petition by Alice Meakin, residing at Poona, the widow of Henry George Meakin, European inhabitant of Poona, who died intestate (see I. L. R., 20 Bom., 370) at Carlsbad on 1st June, 1895. Letters of administration to his estate were, by the consent of all parties interested, granted to the Administrator General of Bombay.

The petitioner now applied to be appointed guardian of her three minor children and to have certain payments made to her

1896.

DOBSON AND
BARLOW
v.
THE BENGAL
SPINNING
AND
WEAVING
COMPANY.

1896.

July 25.

1896.

IN RE
THE ESTATE
OF H. G.
MEAKIN.

out of the estate on their account, and to have certain powers over their persons given to her, and to have the costs of the application paid out of the shares of the said three minor children in the hands of the Administrator General.

The Administrator General, on whom notice of the petition was served, did not oppose the order prayed for; but as one of the three minor children, a girl of the age of sixteen years, was described in the petition as residing at Ealing, near London, while the other two minor children were stated to be residing with the petitioner at Poona, the question arose whether the Court had jurisdiction to make the order prayed for.

Russell for the petitioner:—This petition is not headed “In the matter of the Guardian and Wards Act, 1890” on the authority of the case of *Jairám Luxumon and others*⁽¹⁾. The jurisdiction of the High Court, as to infants is not limited by the Guardian and Wards Act (see section 3 of that Act), and, consequently, depends still on the Supreme Court Charter, sections 41 and 42, as the powers given by those sections are continued to the High Court by Stat. 24 and 25 Vict., c. 124, sec. 9. The High Court accordingly has the same powers with regard to infants that the Court of Chancery in England had over the whole Presidency of Bombay. The petitioner in this case resides in Poona, and Letters of Administration to the estate have been granted in Bombay. Among those powers of the Court of Chancery is one to appoint a guardian for an infant residing abroad. *Vide* Seton on Decrees (5th Ed.), p. 845, and cases there cited.

His Lordship made the order as prayed.

Attorneys for the petitioner:—Messrs. *Crawford, Barber and Co.*

(1) I. L. R., 16 Bom., 634.