

1871  
 IN THE  
 MATTER OF  
 ISWAR CHAN-  
 DRA KOER  
 v.  
 UMESU CHAN-  
 DRA PAL.

ARNSLIE, J.—It seems to me that, under section 66B of the Criminal Procedure Code, a Magistrate who is competent to direct that all complaints or reports of Police officers may be dealt with by a Subordinate Magistrate, is also competent to direct any particular complaint or report to be so dealt with. I would therefore not interfere.

*Conviction quashed.*

[APPELLATE CIVIL.]

*Before Mr. Justice Bayley and Mr. Justice Paul.*

1871  
 May 8.

MANMAHINI DASÍ (PLAINTIFF) v. BALAK CHANDRA  
 PANDIT (DEFENDANT).\*

*Hindu Law—Maintenance of Grandson—Suit against Grandfather—Conduct of a Mother.*

A widowed Hindu mother, who refuses to dwell with her minor son in her father-in-law's house, and sells her infant daughter in marriage to a low caste person thereby injuring the social position of her father-in-law's family, is not entitled to recover maintenance on account of her son from her father-in-law.

THE plaintiff brought this suit against her father-in-law for the maintenance of herself and her son, defendant's grandson, and for the recovery of certain ornaments which she alleged she had left in the charge of the defendant.

The defendant was willing to maintain the plaintiff and her son if they resided in his house, but declined to do so if she continued to live in her father's house. He denied the claim for the ornaments.

The Moonsiff held that the plaintiff was entitled to maintenance if she consented to live in her father-in-law's house, and not otherwise, but that the case of her minor son was different who, during minority, was entitled to maintenance from his grandfather irrespective of the place of the residence of his mother.

\*Special Appeal, No. 2442 of 1870, from a decree of the 2nd Subordinate Judge of the 24-Pergunnas, dated the 23rd August 1870, reversing a decree of the Moonsiff of that district, dated the 29th December 1869.

The second Subordinate Judge of the district in appeal reversed the Moonsiff's decision, and dismissed the plaintiff's suit. He found upon the evidence that the plaintiff had quarrelled twice with her sister-in-law, and left the defendant's house ; that on the first occasion of her leaving, the latter brought her back ; and that on the last occasion she sold her infant daughter in marriage to a low caste person, thereby lowering her father-in-law's family in the estimation of the public. Under these circumstances he held that she was not entitled to any maintenance on account of her son from her father-in-law.

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 MANMAHINI  
 DASI  
 v.  
 BALAK CHAN-  
 DRA PANDIT.

Baboo *Shyamalal Mitter* and Baboo *Komalakant Scin* for the appellant.

Baboo *Rajendra Nath Bose* and Baboo *Ramanath Bose* for the respondent.

The judgment of the Court was delivered by

BAYLEY, J.—In this case the plaintiff, the wife of the son of the defendant, sued the defendant for maintenance of herself and her infant son, aged about 3 or 4 years. The first Court allowed the maintenance. The lower Appellate Court has disallowed it.

The facts found by the lower Appellate Court are that the plaintiff, with her son, twice left her father-in-law's house ; that she sold her daughter in marriage to a low caste Brahmin, and did not return to the house of the defendant, her father-in-law.

It has been held by a Full Bench of this Court that a father-in-law is not legally bound to maintain his son's widow (1). The only question that then remains is whether in this case the widow's son,—that is, the grandson,—is entitled to maintenance. The case of *Kunigaratu v. Arrangaden* (2) has been cited in support of this contention, but that decision merely rules that “ in a family governed by the Marumakhatayam rule, an anandravan's right to maintenance is merely a right to be maintained in

(1) 2 B. L. R., A. C., 15.

(2) 2 Mad. H. C. Rep., 12.