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cause cannot claim maintenance. *A fortiori* this is so, when as in the present case, the wife is admittedly an adulteress. So by English law, a wife's departure from her husband without sufficient reason exempts him from the duty of supporting her, and her elopement accompanied with adultery discharges him from all obligations to find her necessaries, and he will not be bound by her contracts for them, unless of course he pardons her and takes her back.^(a) But here neither misconduct nor condonation on the part of the husband is even suggested. Then as to the daughter, I concur with the learned Civil Judge in holding that no daughter is *prima facie* entitled to a separate subsistence and that nothing is alleged or proved to shew the second plaintiff entitled thereto. It thus becomes unnecessary to consider the point taken as to misjoinder.

FRERE, J. concurred.

Appeal dismissed.

(a) Bright on the Law of Husband and Wife, II, 14.

NOTE.—See *Vyavahara Mayukha*, ch. IV, sec. XI § 12. "If she be unchaste a woman must be turned out of doors and without a maintenance : " *R. A. No. 2 of 1823*, Mad. Sel. Dec. 366 : T. L. Strange, *Manual of Hindu Law*, 2d. ed., § 198, M. S. D., 1857, p. 139.

"Infidelity in the female, save in certain of the lowest classes, occasions forfeiture of caste and puts an end to the marriage." T. L. Strange, *Manual of Hindu Law*, 2d. ed., p. 11, citing the *Smriti Chandrika*.

As to impropriety of conduct disentitling a Hindu widow to maintenance. See *Ranee Bussunt Koomaree v. Ranee Kummul Komaree*, 7, S. D. A. Rep. 144 : 1, Morl. Dig. 441.

APPELLATE JURISDICTION (a)
Special Appeal No. 145 of 1863.

NAMASIVÁYA CHETTI *Appellant.*

SIVAGÁMI and others..... *Respondents.*

The widow of an undivided Hindu has no right to sell his property for payment of his debts, even though it be self-acquired.

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THIS was a special appeal from the decision of V. Snn-dara Nayudn, the Principal Sadr Amin of Negapatam, in Appeal Suit No. 479 of 1861, affirming the decree of S. Vaiyadanáyagam, the District Munsif of Máyavaram, in Original Suit No. 238 of 1859.

(a) Present : Phillips and Frere, JJ.

Karunagara Manavan for the appellant, the plaintiff.

Mayne, for the respondents, the defendants.

The facts appear from the following

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JUDGMENT :—This was a suit by the plaintiff, as undivided brother of the second defendant, and of the deceased husband of the first defendant, to recover a two-thirds share of a house, said to have been illegally sold by the first defendant to the third.

The Lower Courts upheld the sale in question, and dismissed the plaintiff's claim, on the ground that the house was the self-acquired property of the first defendant's husband, and that the sale was made by the widow, the first defendant, for the purpose of paying her husband's debts.

We consider it clear that the grounds on which the Lower Courts have decided this case are untenable in point of law. The brothers being undivided, it is manifest that on the death of one of their number the widow had no right to deal with his property, whether self-acquired or not; and the sale is consequently invalid. We therefore reverse the decision of the Principal Sadr Amin, and pass judgment in favour of the plaintiff for the property claimed in the plaint. The costs incurred by the plaintiff throughout the entire case will be charged to the first and third defendants jointly and severally.

Appeal allowed.

ORIGINAL JURISDICTION (a)

Original Suit No. 85 of 1863.

VIRASVAMI CHETTI *against* APPASVAMI CHETTI.

A Hindu wife is not entitled to maintenance if she leaves her husband without a justifying cause.

The husband's marrying a second wife is not such justifying cause.

Where, therefore, a Hindu husband married a second wife, and his first wife thereupon left him:—*Held* that the first wife had no implied authority to borrow money for her support.

Seemle : the prohibition against a plurality of wives save under certain circumstances, is merely directory and not imperative.

THIS was a suit to recover rupees 924-13-5, being rupees 700 lent to the defendant's wife on the 3rd September 1860, and rupees 224-13-5, being interest thereon at 12 per cent. per annum from 3rd September 1860 to the 7th of May 1863.

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(a) Present : Scotland, C. J. and Bittleston, J.