

must have been the object and intention of the enactment and giving the ordinary meaning to the language of the section, we think our present construction is the proper and reasonable one. 1863.
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The Court, therefore, we are of opinion, had no jurisdiction to try the offences charged in these cases, and the convictions must be quashed and the prisoners discharged.

Convictions quashed

APPELLATE JURISDICTION. (a)

Civil Petition No. 287 of 1862.

PARAVARTANI *against* AMBALAVANA PILLAI.

Ex parte PARAVARTANI.

When a Hindu widow instituted a suit in respect of rights inherited by her from her deceased husband and then adopted son :—*Held* that under section 73 of the Code of Civil Procedure the adopted son might be made a co-plaintiff.

THE Original Suit (No. 7 of 1857) was brought by a Hindu widow in the Civil Court of Madura to establish certain rights in respect of the Rameçvara Devasthanam. The plaintiff was Rani Zamindári of Rámnád : she had inherited the Zamindári from her deceased husband, and in right thereof she claimed to be dharmakartá of the devasthanam in question. After the institution of the suit she adopted one Mutturámalinga Cetupati, and this petition was presented by her and the adopted son praying that the suit might be continued by the adopted son ; or that he might be added as a supplemental co-plaintiff : but that if the Court should not grant either of the above applications, then that the suit might be continued in the name of the plaintiff and as it then stood instituted.

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Branson, for the petitioner.

Norton (*Mayne* and *Saadgopacharlu* with him) for the counter-petitioners : Parties coming into existence after the commencement of the suit cannot apply to be admitted.

(a) Present : Strange and Frere, J. J.

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Branson, in reply: Granting that the interest must be in existence at the time of the finding of the plaint, the adoption here must be referred to the death of the plaintiff's husband. In the eye of the law, then, the adopted son was in existence before the institution of the suit.

Strange, J.:—Section 73 of the Code of Civil Procedure provides that if it appear to the Court, at any hearing of a suit that all the persons who may be entitled to, or who claim some share or interest in the subject-matter of the suit, and who may be likely to be affected by the result, have not been made parties to the suit, the Court may adjourn the hearing of the suit to a future day, to be fixed by the Court, and direct that such persons shall be made either plaintiffs or defendants in the suit as the case may be. The Code does not admit of a supplemental plaint, but the terms of this section are very large, and I think we must hold that they authorise us to order that the adopted son be admitted as an additional plaintiff to the suit before us.

FREERE, J. concurred.

Ordered accordingly.