

APPELLATE JURISDICTION (a)

Special Appeal No. 546 of 1861.

SIVAPPACHARIAppellant.

MAHÁLINGA CHETTI and others.....Respondents.

The right to conduct a marriage-procession along the public highway can only be questioned by the magistrate; and an action will lie against private persons forcibly stopping such a procession, even, semble, where it is unusual for persons of the plaintiff's caste to conduct one.

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THIS was a special appeal against the decree of Srinivása Rau, the Additional Principal Sadr Amin of Mangalur, in Appeal Suit No. 278 of 1859.

The plaintiff, an artizan belonging to the goldsmith caste, sued for damages on account of the defendants having forcibly stopped a marriage-procession which he was conducting on the public highway. The defendants pleaded, by way of confession and avoidance, that it was not usual for people of the plaintiff's caste to pass along the road (which lay in front of the Padubidre pagoda) "in conveyance and with music," as was the case on the occasion which gave rise to the original suit.

The District Munsif of Kapa adjudged the first and second defendants to pay the plaintiff rupees 47 on account of losses actually sustained and all the defendants, with the exception of the third, tenth and eleventh, to pay him rupees 30 as personal damages for the obstruction.

The latter sum was disallowed by the Additional Principal Sadr Amin, who held that persons of the plaintiff's caste had no right to institute such processions as that in question; and on this ground the plaintiff appealed specially.

Branson for the appellant. The procession was legal, the road being a public one, and the obstruction by the defendants was unjustifiable.

The Court delivered a written judgment, from which the following is an extract :—We do not concur in the opinion of the Principal Sadr Amin that the procession was one which the plaintiff was unauthorized to institute. Being

(a) Present Strange and Frere, JJ.

conducted by him on the public highway, his right so to make use of the highway could only be questioned by the magistrate, who, for preservation of the peace, might, if he saw sufficient grounds, interdict the procession. The defendants clearly had no such authority.

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We therefore reverse the decree of the Principal Sadr Amin and affirm that of the District Munsif, as against the first and second defendants, who will be held liable for all damages awarded to the plaintiff by the decree of the District Munsif. The Principal Sadr Amin has absolved the remaining defendants from liability, on the ground that they are not shown to have participated in the acts of the first and second. With this decision on a question of fact we are not called upon to interfere.

The costs in appeal and special appeal are to be paid by the first and second defendants.

Appeal allowed.

APPELLATE JURISDICTION (a)

Special Appeal No. 652 of 1861.

TAYUMANA REDDI.....*Appellant.*

PERUMAL REDDI and others.....*Respondent.*

▲ father-in-law, although of the Reddi caste, cannot disinherit his heir in favour of his son in-law.

Special Appeal No. 89 of 1854, affirmed.

THIS was a special appeal from the decree of T. I. P. Harris, the Civil Judge of Trichinopoly, in Appeal Suit No. 53 of 1861, affirming a decree in favour of the plaintiff by the District Munsif of Turaiyur. The plaint set forth that one Rámalingáchchi Reddi, having no male issue, and having given the plaintiff his only daughter in marriage, had in accordance with the custom of his caste, executed a deed marked A on the 23rd Vaikási of Krodhi (13th June 1844), by which he conveyed all his property to the plaintiff absolutely : that the plaintiff continued thenceforward to enjoy the property of Rámalingáchchi, and to protect him : that

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