

**(1898) 05 AHC CK 0003****Allahabad High Court****Case No:** None

Bandhu Prasad

APPELLANT

Vs

Dhiraji Kuar

RESPONDENT

**Date of Decision:** May 6, 1898**Citation:** (1900) ILR (All) 400**Hon'ble Judges:** Dillon, J; Burkitt, J**Bench:** Division Bench**Final Decision:** Allowed**Judgement**

Burkitt and Dillon, JJ.

The order of the District Judge in this case cannot be supported. When in the application to be appointed guardian it was stated by the intending guardian that he and the intended ward were members of a joint and undivided Hindu family, and that the ward had no property other than his interest in the joint property, it was not competent to the Court to appoint a guardian of the property of the minor, and the application as far as it affected the property should have been rejected, This rule has been laid down in the case of Jhabbu Singh v. Ganga Bishen ILR All. 529. See also Gurja v. Moher Singh Weekly Notes 1896 p. 30, and also certain cases of the Calcutta and Bombay High Courts cited in Jhabbu Singh v. Ganga Bishen. We set aside the order passed relating to the grant of a certificate of guardianship of the property of the minor Shimbhu Nath, and we cancel the certificate in that respect. If the certificate purports to constitute the appellant guardian of the person of the minor we refrain from interfering as to that matter. We allow this appeal.