

(1912) 01 AHC CK 0018

Allahabad High Court

Case No: None

Ram Sarup

APPELLANT

Vs

Nidar Mal

RESPONDENT

Date of Decision: Jan. 26, 1912

Citation: 14 Ind. Cas. 55(1)

Hon'ble Judges: Karamat Husain, J; Chamier, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

1. This was a suit for possession of property.
2. The first Court decreed it and the Court of Appeal confirmed the decree.
3. The point taken in second appeal is that a father's mother's sister's son is not a bandhu.
4. Mr. Ghose in his Hindu Law, 2nd Edition, at page 148, says: "after the Samanodakas came the Bandhus. We have already seen that the technical Bandhus are the three Aliun Bandhus, i.e., father's sister's son, mother's sister's son, and mother's brother's son, the three Pitri Bandhus, i.e., father's father's sister's son, father's mother's sister's son, and the father's mother's brother's sons and the three Matri Bandhus, i.e., the mother's father's sister's son, mother's mother's sister's son, and mother's mother's brother's son" and Mayne in his book on the Hindu Law at page 694, paragraph 513, 7th Edition, says: "The sons of the own father's sister, the sons of his own mother's sister, and the sons of the maternal uncle, must be considered as his own cognate kindred. The sons of his father's paternal aunt, the sons of his father's maternal aunt, and the sons of his father's maternal uncle, must be deemed his father's cognate kindred."
5. There may be some doubt as to the exact position of the appellant in the order of succession but there is no doubt that he is a bandhu and in the present case, there

is no competition.

6. We, therefore, hold that the decision of the lower Court is right and dismiss the appeal with costs, which will in this Court include fees on the higher scale.