
(1924) 01 AHC CK 0047

Allahabad High Court

Case No: None

Rani

APPELLANT

Vs

Manni Lal and Others
and Parbati

RESPONDENT

Date of Decision: Jan. 21, 1924

Citation: (1924) ILR (All) 327

Hon'ble Judges: Sulaiman, J; Lindsay, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Lindsay and Sulaiman, JJ.

This is a defendant's appeal arising out of a suit for pre-emption.

2. The plaintiff and the vendor in this case are co-widows and they admittedly are co-sharers in the plot described as grove which has been sold. Both the courts below have decreed the suit holding that there is a custom under which a hissedar karibi is entitled to preference as against other co-sharers and that the present plaintiff comes within the definition of the expression hissedar karibi of the vendor. The defendant transferee is also a co-sharer in the same grove but is not in any way related to the vendor. There is now before us no dispute as to there being a right of pre-emption with regard to the sale-deed. The only question is whether the plaintiff has preference as against the transferees. Both the courts below have come to the conclusion that having regard to the fact that these ladies belong to the same Hindu family and by marriage have become members of the family, they are hissedar karibi of each other.

3. On behalf of the defendants it is contended before us that the word karibi means a blood relation and that, therefore, the plaintiff and the vendor, who are connected with each other only through marriage, are not blood relations. The word karibi is derived from the word karib which is defined in Wilson's glossary as meaning near, near to; also near in relationship, a kinsman, a relative, a connection by birth or marriage, excepting the

relation of parent and child.

4. It was also pointed out in the Full Bench case of Khuman Singh v. Hardai ILR 1888 All. 41, that the word karibi is sometimes ambiguous but in connection with other words it may have a very wide meaning. Mr. Justice Karamat Husain, in a case, Radhay Parshad v. Nannu (1910) IC 669, was of opinion that the word rishtedaran karibi meant near relations by blood or marriage. In the present case the word rishtedar is not used at all, we have only the word karibi, and that, in our opinion; simply means relation.

5. We may point out that in a case, Jagrani v. Bisheshar Dube ILR 1916 All. 366, it was held that a son-in-law was not a rishtedar karibi because he was not connected with the Hindu family whose daughter he had married. It was also pointed out that the cases of Hindu females are different on the ground that they become members of the families into which they marry. This remark distinguishes that case from another case of the same Bench, Kuria v. Jafri (1916) 33 Ind Cas 801, which was a case of Muhammedans and where it was held that the two widows of two deceased brothers were not near relations so as to come within that category. In this view of the matter we are of opinion that the view of the courts below on this point was correct.

6. The result, therefore, is that this appeal must fail and it is hereby dismissed with costs.