
(1874) 06 PRI CK 0002

Privy Council

Case No: None

Toondun Singh

APPELLANT

Vs

Pokhnarain Singh;
Telukdharee Singh and
Ram Pershad Singh
and Bishen Pershad
Singh (The Two Sons
of Kashee Singh,
Deceased)

RESPONDENT

Date of Decision: June 9, 1874

Citation: (1874) 1 IndApp 342

Hon'ble Judges: James W. Colville, Barnes Peacock, Montague E. Smith, Robert P. Collier,
Lawrence Peel, JJ.

Judgement

Barnes Peacock, J.

1. The point in this case has been reduced now to the question as to what is the proper construction to be put upon the 21st section of Act I. of 1845. The High Court expressed their opinion " that a purchase at a sale for arrears of revenue under Act I. of 1845 made by the managing member of a joint Hindu family in his own name, but on behalf of the joint family, is not affected by the 21st section of that Act, and that notwithstanding anything contained therein the members of such joint family may sue to enforce rights acquired by them under such a purchase as against the managing member, though he is the sole certified purchaser." Their Lordships entirely concur in that view of the construction of Act I. of 1845. It appears upon the record that this judgment was pronounced on the 20th of April, 1870, and that the appeal was preferred and allowed to Her Majesty in Council on the 14th of May, 1870. The judgment in review which has been sent up and notified to Her Majesty in Council, and put upon the record in this case, was passed on the 29th of August, 1871, after the appeal was preferred. It does not appear that any appeal has been preferred against the judgment which was pronounced in

review; and under those circumstances their Lordships, being aware that such a judgment has been passed, will humbly recommend Her Majesty to affirm, with the costs of this appeal, the original decree passed by the High Court, so far as it finds the properties in question to be part of the joint family estate, but without prejudice to the subsequent judgment which was passed by the High Court in review, or to any proceeding which may be taken thereunder. That will leave all the questions open as to carrying it out.