
(1879) 04 CAL CK 0003

Calcutta High Court

Case No: None

Narain Mal

APPELLANT

Vs

Kooer Narain Mytee

RESPONDENT

Date of Decision: April 25, 1879

Citation: (1880) ILR (Cal) 251

Hon'ble Judges: Tottenham, J; Mitter, J

Bench: Division Bench

Judgement

Mitter, J.

We think that, upon the facts stated in the petition, the applicant is not entitled to a certificate under Act XXVII of 1860. The petition is based upon an unoomoti puttro alleged to have been executed by Juggunauth Mal on the 23rd Assin 1270 (8th October 1863), he having died in Falgoon (March 1864) of that year, and if this unoomoti puttro be a genuine document, the estate of Juggunauth vested in the applicant as soon as he was taken in adoption.

2. The present application is made to collect the debts due in respect of the properties left by Juggunauth while they were under the management of the alleged adoptive mother Doorgamonee. The petitioner cannot possibly have a locus standi under the provisions of Act XXVII of 1860. The Act applies to cases where applications are made by representatives of deceased Hindus, Mahomedans, and others not usually designated as British subjects, to collect the debts which are payable in respect of the estates of such deceased persons. In this case it would appear, upon the applicant's own showing, that the debts were payable to himself, because they had accrued due during his minority, while his estate was under the management of Doorgamonee, his alleged adoptive mother. It is quite clear, therefore, that there was no necessity for applying for a certificate under Act XXVII of 1860, and no right to obtain one.

3. Upon this ground alone we think that the order of the lower Court ought, not to stand. We, accordingly, reverse that order with costs.