

(1879) 03 CAL CK 0013

Calcutta High Court

Case No: None

Jussoda Kooer

APPELLANT

Vs

Lallah Nettya Lall

RESPONDENT

Date of Decision: March 25, 1879

Citation: (1880) ILR (Cal) 43

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

Bench: Division Bench

Judgement

Birch, J.

In this case the Judge states that he is unable to grant a certificate, inasmuch as the witness called by Mussamut Jussoda admits that the father of the minor is alive, and, therefore, in the Judges opinion, it would be inadvisable to grant a certificate of guardianship to the mother. The Judge appears to have overlooked the fact that this case is governed by the Mithila law, and that, under that law, the mother is the person to whom the certificate should be granted in preference to the father. The Judge's order must be reversed, and he must be directed to grant a certificate to Jussoda as guardian of the person of the minor and as manager of the minors property, The appeal is allowed with costs.