

(1870) 02 CAL CK 0023

Calcutta High Court

Case No: None

In Re: Gangaprasad
Gosain

APPELLANT

Vs

RESPONDENT

Date of Decision: Feb. 7, 1870

Judgement

Macpherson, J.

Without deciding the general question argued before me as to the age of majority of Hindus subject to the ordinary original jurisdiction of this Court, I am of opinion that probate should, in this case, be refused. It appears plain to me that the testator, by the words used in his will, as to the petitioner's coming of age, contemplated his arrival at an age when he should be able to exercise full control over the property. The testator's estate consists to a large extent of immoveable property in the Mofussil, where Act XL of 1858 certainly prevails; and in respect of that portion of the estate, the petitioner has not come of age, as has been conclusively decided by a Full Bench in the case of *Madhusudan Manji v. Debi Gobinda Newgi* 1 B.L.R. F.B. 49. The general question is in a complicated and unsatisfactory state, and I abstain from expressing any opinion upon it.