

Gopal Anant Vs. Narayan Ganesh

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Court : Mumbai

Decided On : Feb-02-1888

Reported in : (1888)ILR12Bom329

Judge : Nanabhai Haridas and ;Jardine, JJ.

Appellant : Gopal Anant

Respondent : Narayan Ganesh

Judgement :

Nanabhai Haridas, J.

1. The fact of the plaintiffs adoption by the deceased Ganesh Gopal is held proved by the lower Court. The only question we have to determine, therefore, is its validity. It is urged on behalf of the appellant that it is not valid because Ganesh Gopal was not a married man at the time of the adoption. No authority is shown to us in support of the contention that an adoption by an unmarried man is invalid, nor are we aware of any such. The Hindu law lays down generally that one who is sonless may adopt; and, in the absence of any text or judicial decision to the contrary, we do not think we should be justified in putting any restriction upon the power so generally given. The argument pressed upon us in support of the invalidity, of the adoption is very much the same as that unsuccessfully urged in N. Chandvasekharudu v. N. Bramhanna 4 Mad. H.C. R. 270 ;and we agree in the view taken of the Hindu law by the learned Judges who decided that case. It is

true that was the case of a widower, and not of an unmarried man as here; but we think the reasoning adopted there applies as well to the present case.

2. We must therefore confirm the decree of the lower Court with costs.

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