

Bai Vijli Vs. Bai Prabhalakshmi

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Court : Mumbai

Decided On : Aug-28-1907

Reported in : (1907)9BOMLR1129

Judge : Louis P. Russell, Atg. C.J. and ;Knight, J.

Appeal No. : Second Appeal No. 494 of 1906

Appellant : Bai Vijli

Respondent : Bai Prabhalakshmi

Judgement :

Louis P. Russell, Atg. C.J.

1. I append a pedigree which sets out the relationship of the parties herein.

2. The question in this case is whether the plaintiffs have preference over the grandson of the maternal aunt of the propositus. Both the lower Courts have held that Girjashankar is one of the atma bandhus of the propositus, thereby following the decision of the present Chief Justice and Mr. Justice Batty in Sha Chamanlal v. Dhosi Ganesh ILR (1904) 28 Bom. 453. In spite of the brave endeavour on the part of Mr. Setlur to argue that that case differs from the present one, we are unable to find that it does so. We are of opinion that the principle applied in that case must govern the present one.

3. We are, therefore, of opinion that the decree of the lower appellate Court, which upheld the decree of the lower Court, must be confirmed and the appeal dismissed with costs.

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