

B. Brij Gopal Vs. Mt. Dhapi Bai

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Court : Allahabad

Decided On : Jan-16-1931

Reported in : AIR1931All333a; 137Ind.Cas.343

Appellant : B. Brij Gopal

Respondent : Mt. Dhapi Bai

Judgement :

Mukerji, J.

1. This is an appeal against an order appointing Mt. Dhapi Bai the respondent as guardian of the person and property of her minor son Babu Suraj Karan. The appellant, according to the pedigree given to us by his learned Counsel is five degrees distant from the minor's father. The appellant's grandfather and the minor's grandfather were brothers. The application was based by the appellant on the ground that the family of the parties was joint and no appointment of guardian could be made in law in a joint Hindu family.

2. The District Judge has not decided whether the family is joint or separate. He has taken his stand on the fact that a litigation is going on between Suraj Karan on the one hand and the appellant Brij Gopal on the other in which the question of separation or jointness of Suraj Karan's late father Jaur Mal is in dispute. Jaur Mal has, it appears, executed a will and Brij Gopal's contention is that as a member of a joint Hindu family, Jaur Malf could not execute any will so as to dispose of the

family property. In this litigation, the minor's mother Dhapi Bai represents the minor.

3. The Circumstances disclosed sufficiently justify the appointment of Mt. Dhapi Bai as the guardian of the person and property of Suraj Karan. Mt. Dhapi Bai has been found by the learned District Judge to be a fit and proper person for looking after her minor son and managing the property. Nothing has been said against this view of the learned Judge. As a result, we dismiss this appeal with costs.

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