

In Re: E. Morgan

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Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1896)ILR18All238

Judge : Knox and; Blair, JJ.

Appellant : In Re: E. Morgan

Judgement :

Knox and Blair, JJ.

1. This is an application presented by one Morgan setting out that Sarah Morgan, to whom alimony had been decreed under the orders of this Court, had married one Sergeant Fox, and that Irene Morgan, for whose maintenance an order had been made, had attained majority on the 16th of April 1895. There was a further allegation that a daughter, Clara, for whose maintenance an order had been made, had married in April 1893. The petitioner prayed for refund of all the moneys paid under the orders of this Court to the three persons, Sarah Morgan, Irene Morgan and Clara Morgan, after the date on which Sarah Morgan had been remarried, Clara Morgan had married and Irene Morgan had attained majority. It was contended on behalf of Irene Morgan that she was still a minor. The authority for this contention was based on Section 3 of the Indian Majority Act of 1875. The Indian Divorce Act contains in Section 3, Clause (5), the interpretation which is to be placed on the words 'minor children' wherever they occur in that Act. It is

admitted that on that interpretation Irene Morgan can no longer be considered a minor. With reference to the prayer that the sums already paid be refunded, we know of no authority for such a proposition, and we confess to feelings of surprise at such a request being made on the part of the father. The application was presented to this Court on the 26th of August 1895. All sums which under our previous orders were payable to Sarah Morgan and Irene Morgan, and all sums which were paid into Court before that date, will be made over to the parties to whom under our previous orders they were due and payable. Any sums paid after that date and for a term subsequent to the 26th of August 1895, if there be any such, will be refunded to the petitioner. We give no costs.

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