

**Mahadei Vs. Baldeo**

**Mahadei Vs. Baldeo**

**SooperKanoon Citation :** [sooperkanoon.com/449586](http://sooperkanoon.com/449586)

**Court :** Allahabad

**Decided On :** Dec-07-1907

**Reported in :** (1908)ILR30All75

**Judge :** John Stanley, C.J. and ;William Burkitt, J.

**Appellant :** Mahadei

**Respondent :** Baldeo

**Judgement :**

John Stanley, C.J. and William Burkitt, J.

1. The decision of the learned Judge of this Court against which this appeal is preferred is wholly opposed to the principle laid down in a judgment of a Division Bench of this Court in the case of Gobind Krishna Narain v. Khunni Lal (1907) I.L.R. 29 All. 487. In that case the Court held, following earlier rulings and citing the leading case of Stapilton v. Stapilton (1739) 1 W. and T. 230, that a compromise made by a person holding a Hindu widow's or Hindu daughter's estate in the property of a deceased husband or father is not binding on the reversioners, even though it has been followed by a decree of Court, and that the reversioners can only be bound by a decree made after a full contest in a bond fide litigation. This case was not reported until the 20th of May 1907, and does not appear to have been brought to the notice of the learned Judge. The fact that the property-involved is of little value is a matter which cannot be taken into

consideration in determining the rights of the parties. In view of the ruling above referred to we must allow the appeal. We set aside the decree of the learned Judge of this Court and restore the decree of the lower appellate Court with costs in all Courts.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**