

Daulat Ram Vs. Ram Lal

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Court : Allahabad

Decided On : Jan-31-1907

Reported in : (1907)ILR29All310

Judge : Banerji, J.

Appellant : Daulat Ram

Respondent : Ram Lal

Judgement :

Banerji, J.

1. The only question in this case is whether the pregnancy of his wife is a bar to the right of a Hindu to adopt a son. The suit in which this question has arisen was brought by the appellant for a declaration that the respondent Ram Lal was not the adopted son of one Murli. The Court below has found that Murli did adopt Ram Lal, but it seems to be of opinion that at the time of adoption Murli's wife was pregnant. It has, however, held that the existence of pregnancy, did not invalidate the adoption. The learned vakil for the appellant contends that this view is erroneous and in support of his contention has referred to an old ruling of the Madras Sudder Court in Narayana Reddi v. Vardachala Reddi M.S.D., 1859, 97 in which it was held that an adoption is invalid if at the time of the adoption the adopter's wife is pregnant. This ruling was considered by that Court in the later case of Nagabhushanam v. Seshammagaru (1881) I.L.R., 3 Mad., 180 and was

dissented from. The learned Judges after referring to the authorities on the subject came to the conclusion that an adoption by a Hindu with knowledge of his wife's pregnancy was not invalid. The same view was held by the Bombay High Court in *Hanmant Ramchandra v. Bhimacharya* (1887) I.L.R., 12 Bom., 105. I may also refer to Mayne's *Hindu Law*, 7th Edition, p. 137, and Sircar's *Tagore Law Lectures*, 1891, p. 190, No original authority of Hindu law has been cited on behalf of the appellant in support of the contrary view, which seems to be opposed to general principles. I accordingly dismiss the appeal with costs.

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