

Rukka and ors. Vs. Chhidu and ors.

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SooperKanoon Citation : sooperkanoon.com/477155

Court : Allahabad

Decided On : Nov-26-1923

Reported in : 84Ind.Cas.522

Judge : Kanhaiya Lal, J.

Appellant : Rukka and ors.

Respondent : Chhidu and ors.

Judgement :

Kanhaiya Lal, J.

1. There is no force in this appeal. Musammat Kausilya was a Malin by caste. She was first married to Behari in one of the approved forms. That fact was admitted. On the death of Behari she was married to Bidhi. On her death there were two sets of claimants to her stridhan. One set comprised Chhidu and Bidhi who are brothers of Behari. The other set comprised the sister of Musammat Kausilya and the husband of that sister and the husbands of certain other deceased sisters. The latter have clearly no title Chhidu and Bidhi were entitled, to the stridhan of Musammat Kausilya by reason of her marriage to Behari in one of the, approved forms. The second marriage does not affect the right to which the plaintiffs became entitled by virtue of the first marriage. The appeal, therefore, fails and is dismissed with costs including in this Court fees on the higher scale.

