

Antamma and ors. Vs. Kaveri and ors.

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Court : Chennai

Decided On : Aug-21-1884

Reported in : (1883)ILR7Mad575

Judge : Charles A. Turner, Kt., C.J. and ;Muttusami Ayyar, J.

Appellant : Antamma and ors.

Respondent : Kaveri and ors.

Judgement :

Charles A. Turner, Kt., C.J.

1. Doubt has been thrown on the authenticity of the work ascribed to Bhutala Pandya, but on the point on which we are now considering that work contains no express direction.

2. There is some support for the contention that the Alyasantana was not the original law of the Hindus in Canara, and although, if it were borrowed from the South, it may in many features resemble Malabar law, it is not to be assumed that they are on all points identical. As to the rules relating to the devolution of self-acquired property, the only safe guide is local usage.

3. This, the Judge finds, is distinctly in favour of the claims of the heirs of the acquirer in his own branch and opposed to the claim of the tarwad. As has been pointed out by Mr. Krishna Menon, who denies the accepted rule respecting the

devolution of self-acquired property under Marumakkatayam law, survivorship obtains under Hindu law in respect of coparcenary property. The acquisition in which there is no coparcener passes to the heir of the acquirer. Although the Hindu law could not obtain against proved custom, we have adverted to it, inasmuch as it may have influenced the inhabitants of Canara to reject the rule, which, according to a decided case, obtains under the Marumakkatayam law.

4. The appeal fails and is dismissed with costs.

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