

Krishna Ayyangar and ors. Vs. Venkatarama Ayyangar and anr.

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Court : Chennai

Decided On : Aug-29-1905

Reported in : (1906)ILR29Mad115

Judge : S. Subrahmania Ayyar, Officiating C.J. and; Sankaran Nair, J.

Appellant : Krishna Ayyangar and ors.

Respondent : Venkatarama Ayyangar and anr.

Judgement :

1. The dispute in the present case is between two parties who are both bandhus under the Mitakshara Law. The plaintiff is the deceased owner's paternal grandfather's sister's son. The defendant is his father's sister's daughter's son. The lower Courts have held that the defendant is the heir and they are dearly right. Undoubtedly he is an atmabandhu, and, as such, nearer to the last owner than the plaintiff who is the owner's pitirbandhu. It was, however, urged that the defendant has to trace his relation to the common ancestor through two females while there is the intervention of but one female between the plaintiff and the ancestor common to him and the deceased, and that this circumstance gives the plaintiff a preferential right. Whether having regard to the preponderating influence in the Hindu system of law of relationship through males with reference to the devolution of the heritage of a man such a circumstance as that relied on may or may not avail when the competition is between bandhus of the same category and of the same degree, it is unnecessary to consider. But assuming that the

circumstance would in such a case afford a ground for distinction in favour of a party who is able to trace his descent with a less intervention of females, it could not affect the operation of such a cardinal principle of the Hindu Law as that the nearer line excludes the more remote *Balusami Pandithar v. Nurayana Rau* I.L.R. 20 Mad. 342. The defendant is of the nearer line and therefore, as already stated, the person entitled to inherit.

2. The appeal is dismissed with costs.

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