

Rajamma Vs. Ramakrishnayya and anr.

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SooperKanoon Citation : sooperkanoon.com/782865

Court : Chennai

Decided On : Aug-16-1905

Reported in : (1906)ILR29Mad121

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

Appellant : Rajamma

Respondent : Ramakrishnayya and anr.

Judgement :

1. No evidence was taken in the case. It was disposed of upon the petitions of the parties. The decision in Mahadeva Pandia v. Rama Narayana Pandia 13 M.L.J. 75 is strongly in favour of the view that the money connected with insurance the premia for which were paid out of the salary of the deceased is prima facie his separate property. In a summary inquiry like the present, the proper course is to follow this view leaving the party, the brother, who sets up that it is joint property to establish it by suit having regard specially to the fact that the brother's claim is based solely upon the assumption that the education of the deceased was at the expense of the family. We set aside the orders of the District Judge and direct that the certificate be issued to the appellant on her giving security to the satisfaction of the District Judge of South Canara. Each party will bear his own costs in these appeals.