

P.P.P. Mohammad Kunhi Vs. P.C.V. Packrichi Umma and ors.

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Court : Chennai

Decided On : Feb-21-1923

Reported in : 72Ind.Cas.671

Judge : Spencer, ;Kumaraswami Sastri and ;Ramesam, JJ.

Appellant : P.P.P. Mohammad Kunhi;p.P.P. Aseema and anr.

Respondent : P.C.V. Packrichi Umma and ors.;p.P. Kunhi Kalandathi and ors.

Judgement :

1. In calling upon the District Judge to record evidence of a custom or usage prevailing in Malabar of males being excluded from tarwads or tavazhis managed exclusively by females of certain Marumakkattayam Mappillas, we discussed in some detail all the decisions in which such a custom might be said to have been judicially recognised or its recognition refused, and we stated that we regarded them as inconclusive. The District Judge was, therefore, asked to return a finding on such evidence as might be produced before him to prove the existence of the particular custom in question. This he has done, and we agree with him in holding that it is wholly inadequate to prove the prevalence of any custom by which males are treated as having no right to be consulted in the management of the affairs of the tarwad or tavazhi and no right to participate in the income of the tarwad or tavazhi properties. It is not necessary to express any opinion as to the existence of tarwads in which the manager or karnavathi is a female.

2. We, therefore, answer the Reference made to us in the affirmative.

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