

**In Re: Radhabullubh Sil**

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**SooperKanoon Citation :** [sooperkanoon.com/876268](http://sooperkanoon.com/876268)

**Court :** Kolkata

**Decided On :** Jan-20-1882

**Judge :** McDonell and ;Field, JJ.

**Appellant :** In Re: Radhabullubh Sil

**Judgement :**

**Field, J.**

1. The appellant in this case, Oomamoni Dassee, is the guardian of her minor son Radhabullubh. She holds a certificate under Act XL of 1858, and she has also obtained a certificate under Act XXVII of 1860. It appears that certain Bank of Bengal shares form a portion of the property belonging to the minor, and the appellant obtained power, under the certificate granted to her under Act XXVII of 1860, to draw the dividends falling due upon those shares. After the passing of the Presidency Banks Act, XI of 1876, she applied to be registered under the provisions of Section 4 of that Act. The portion of this section, which is material to the present case, is as follows:

The several persons who are then proprietors and shareholders of each of the present Banks of Bengal and Madras, or executors or administrators of such proprietors and shareholders respectively, shall be entitled to be registered as proprietors and holders of a like quantity of stock and a proportionate number of shares, as is or are then registered in their names respectively, or in the names of

the persons whom they represent respectively in the books of each of the said present Banks of Bengal and Madras.

2. It appears that the appellant applied to the Bank of Bengal to have the name of her deceased husband or her own name registered under these provisions. The Bank refused to register the name of her husband on the ground that deceased persons cannot be registered as proprietors of shares. The bank also refused to register her name, and we think properly, seeing that she is neither a proprietor, nor a shareholder, nor the executor or administrator of a proprietor or shareholder. She then applied to the District Judge of Hooghly to have the certificate under Act XXVII of 1860 amended by giving her power to negotiate the shares. Having regard to the fact that these shares belonged not to Oomamoni Dassee, but to her son, we think that the District Judge rightly refused to give her authority to negotiate the shares, more especially as we do not find that any proposal was made to give security for the corpus of the estate, which, if this prayer had been granted, would have come into her hands without any check upon the exercise of her responsibility.

3. Then it is further contended that this power of negotiation was necessary in order to obtain the registration of her name under the provisions of the section above quoted. We think that the insertion of a power of negotiation in the certificate granted under Act XXVII of 1860 would not have had the effect of converting the appellant into a proprietor or share-holder or the executor or administrator of a proprietor or shareholder: and we therefore are of opinion that the District Judge was right in refusing the application made to him. We must therefore dismiss this appeal without costs, no one appearing for the respondent.