

Allahabad High Court

Bhagwati Prasad vs Pateshuri Partap Narain Singh And ... on 3 June, 1895

Equivalent citations: (1895) ILR 17 All 578

Bench: J Edge, Kt., Banerji

JUDGMENT John Edge, Kt., C.J. and Banerji, J.

1. In first appeal No. 14 of 1893, in which the judgment was delivered on the 18th of December 1894, we fully considered the question of the alleged immorality and the question of the alleged gift. It is not suggested that there is any feature in this case which would make us after the view of the facts which we then took.
2. On the question of there being any necessity for a certificate under the Act No. VII of 1889, the findings on remand show that the debt was advanced from the funds of a joint Hindu family and is due to that family. There was consequently no necessity for a certificate in the suit by the survivors.
3. In our opinion it is not necessary in such a case that it should appear in the bond that the funds were those of a joint Hindu family, and we agree with the case of Jagmohandas Kilabhai v. Allu Maria Duskal I.L.R. 19 Bom. 338.
4. The other grounds were not pressed. We dismiss this appeal with costs. We have given effect to the objections filed to the findings on remand.