

*Judgment of the Lords of the Judicial Committee  
of the Privy Council on the Appeal of  
Toondun Singh v. Baboo Pokhnarain Singh  
and others, from the High Court of Judica-  
ture at Fort William in Bengal; delivered  
Tuesday, June 9th, 1874.*

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Present :

SIR JAMES W. COLVILLE.  
SIR BARNES PEACOCK.  
SIR MONTAGUE E. SMITH.  
SIR ROBERT P. COLLIER.

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SIR LAWRENCE PEEL.

THE point in this case has been reduced now to the question as to what is the proper construction to be put upon the 21st section of Act 1 of 1845. The High Court expressed their opinion "that a purchase at a sale for arrears of revenue under Act 1 of 1845 made by the managing member of a joint Hindoo family in his own name, but on behalf of the joint family is not affected by the 21st section of that Act, and that notwithstanding anything contained therein the members of such joint family may sue to enforce rights acquired by them under such a purchase as against the managing member though he is the sole certified purchaser." Their Lordships entirely concur in that view of the construction of Act 1 of 1845. It appears upon the record that this judgment was pronounced on the 20th April 1870, and that the Appeal was preferred and allowed to Her Majesty in Council on the 14th May 1870. The

judgment in review which has been sent up and notified to Her Majesty in Council, and put upon the record in this case, was passed on the 29th August 1871 after the Appeal was preferred. It does not appear that any Appeal has been preferred against the judgment which was pronounced in review, and under those circumstances their Lordships, being aware that such a judgment has been passed, will humbly recommend Her Majesty to affirm, with the costs of this Appeal, the original decree passed by the High Court so far as it finds the properties in question to be part of the joint family estate, but without prejudice to the subsequent judgment which was passed by the High Court in review, or to any proceeding which may be taken thereunder. That will leave all the questions open as to carrying it out.