

*Judgment of the Lords of the Judicial Committee of the Privy Council, on the Appeal of Sri Rajah Row Venkata Mahapati v. Mahipati Suriah Row and another, from the High Court of Judicature, at Madras ; delivered 16th November 1880.*

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Present :

SIR JAMES W. COLVILLE.

SIR BARNES PEACOCK.

SIR MONTAGUE E. SMITH.

SIR ROBERT P. COLLIER.

THEIR Lordships are of opinion that no ground has been made for reversing the Judgments of the Indian Courts in this case. The point, as ultimately stated, is of the narrowest description. It is admitted that upon the facts, as found by the Court, it can no longer be disputed that this mootah, Viraveram, was purchased by Bhavaya, the grandmother of the Appellant and the Respondents, out of her Stridhanam. Again, the testamentary power of a Hindoo female over such Stridhanam is admitted by Mr. Mayne to be commensurate with her power of disposition in her lifetime, both being absolute. So far the case would have been governed by the decision of this Board, which is reported in the 19th volume of the "Weekly Reporter," page 295, but for the subtle distinction which has been raised. It is suggested that where the funds are shown to have come wholly or in part from the husband, and to have been afterwards invested in land by his widow, the same law which governs in the devolution of immovable estate derived from the husband is to govern that acquisition ; but their Lordships cannot find any trace of authority to

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support such a distinction. It is clearly the law that from the time the funds were given to the widow by the husband they became her Stridhanam, and that she had full power of disposition over them. Years after the death of the husband she chooses to invest them in land. Can it be contended with any plausibility that that was land which was derived from the husband? Their Lordships can see no ground for establishing this subtle distinction, or for thus arbitrarily interfering with the power of investment and application and disposition which the general law gives to a Hindoo female over her Stridhanam.

They must, therefore, humbly advise Her Majesty to affirm the Judgments of the Courts below, and to dismiss this Appeal with costs.