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the defendant had only adduced oral evidence to prove payment of the debt, and that such evidence was inadmissible.

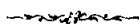
The defendant below thereupon preferred a special appeal, which was argued before FORBES and TUCKER, JJ.

Dhirajlál Mathurádás for the appellant.

Dádúbhái Frámji for the respondent.

FORBES, J., delivered judgment:— We consider that the Judge was in error in holding that oral evidence was not admissible to prove that the amount due on the *sámádaskat* had been paid, and in requiring documentary evidence of the payment of the debt. We, therefore, reverse the decree of the Court below, and remand the case, in order that the Judge may decide whether it has been proved by the evidence recorded that the amount due on the *sámádaskat* has been paid, and pass a new decree on the merits.

Decree reversed.



July 21.

Special Appeal No. 58 of 1863.

PRA'NSHANKAR and others *Appellants.*

PRA'NNATH MA'HA'NAND..... *Respondent.*

Declaration of Right—Pujári—Mandir.

An action will lie to obtain a binding declaration of a person's right to perform the duties of *Pujári*, and to receive the proceeds of a *Mandir*.

THIS suit was instituted by Pránshankar and others in the Court of the Munsif of Súrat, praying for an injunction to restrain Pránnáth from interfering with them in the exercise of the office of *pujáris* in a Hindú temple called Rámji Mandir, in the City of Súrat, and in the receipt of the proceeds of the same, and for a declaration of their right to the office and receipts.

The Munsif of Súrat, finding that the plaintiffs, Pránshankar and others, had established their right to the office in question, granted the injunction sued for.

On appeal by the original defendant, Pránnáth, to the Judge of Súrat, this decree was reversed, and the claim thrown out, on the ground that the original plaintiffs, Prán-

shankar and others, were not entitled to the declaratory order they sought to obtain, but that if they were prevented from performing the duties or receiving the proceeds of the office in question, they might sue for damages.

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A special appeal was preferred against this decision by the original plaintiffs, on the ground, among others, that it was competent to them to sue for the declaratory order or injunction in question.

The appeal was argued before FORBES and TUCKER, JJ.

Dhirajlal Mathuradas for the appellants.

FORBES, J., delivered judgment:—We consider that the Court below was in error in holding that the appellants were not entitled to sue to obtain a binding declaration of their right to perform the duties of *pujaris*, and to receive the proceeds of the *mandir*. We, therefore, reverse the decree of the Court below, and remand the case in order that the Judge may decide whether the appellants have proved their title to the abovementioned declaration of right, and pass a new decree on the merits, awarding costs.

Decree reversed.

Special Appeal No. 33 of 1863.

July 21.

BA'I LAKSHMI, widow of Gopaldás *Appellant.*
LAKHMIDA'S GOPA'LDA'S, deceased, by his
sons and heirs..... *Respondent.*

*Hindú Widow—Maintenance.**

A Hindú widow, if destitute of the means of living, is entitled to maintenance from her husband's relatives, although she may have shared her husband's estate, and supported herself for a long period by trading.

BATI LAKSHMI, the appellant, brought this action in the Court of the Şadr Amín at Broach, to recover arrears of maintenance for one year, and a sufficient sum of money to provide a house to live in.

The original defendant, Lakhmidás, who was Bái Lakshmi's step-son, answered that he was not liable to the claim by Hindú law; that his mother-in law, the plaintiff, had taken a share of his father's estate, in addition to which she had her

* See 2 Bom. H. C. Rep., 2nd edn., 323.