

1863 (a), and *Ex parte Harbhat bin Rámchandrabhat*, decided on the 24th of November 1864 (b); and contended that Act VI. of 1849 did not apply.

1867.
PA'NNE
v.
PA'NNE.

Vishvanáth Náráyan Mandlik, for the respondent, contended that the grant of this pension was personal, and, therefore, collaterals were not entitled to share in it.

COUCH, C.J.:—The agreement, No. 3, shows that the pension was assigned in 1856, in lieu of a saranjám held by the defendant's grandfather; and that a compromise was made of the claim which the plaintiffs had to a share of the pension.

This is not a pension granted in "consideration of past services and present infirmities or old age;" and does not come within the terms of Sec. 2 of Act VI. of 1849. The cases cited for the appellant are in point.

We, therefore, reverse the decrees of both the lower courts; and award the plaintiff the amount sued for, with costs.

Appeal allowed.

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Civil Petition.

Ex parte VITHALRA'V ESHWANTRA'V.

Pension—Attachment—Act VI. of 1849.

On petition praying that an attachment placed on a pension, of which petitioner was the recipient, might be removed, under Act VI. of 1849, the High Court declined to interfere; as it had not been shown that the pension was one enjoyed in consideration of past services and present infirmities or old age.

THE petitioner represented that Dáji Mahádev Athavale, having obtained an arbitration award against him for the sum of Rs. 1,651, sued out execution of the same, by praying for the attachment of, and payment to himself of, a portion of a pension paid periodically to the petitioner from the treasury of the Collector at Puná; that the District Judge complied with this prayer, and directed that a specific portion of the said pension be attached and paid over to the said creditor; that this order for attachment was contrary to law,

(a) *Next case.*

(b) *Post, p. 67.*

1863. and the provisions of Act VI. of 1849; and the petitioner
Ex parte therefore, prayed the same might be annulled, and his pen-
 VITHALRAV sion declared exempt from attachment.
 ESHWAN-
 RA'V.

On hearing the petition, the High Court directed the District Judge to ascertain, by reference to the revenue and *inám* authorities if necessary, when and by whom the pension referred to was granted; whether it had been enjoyed by any of the petitioner's ancestors, and, if so, for how long, and on what account; and to transmit a copy of his order directing the pension to be attached; and to state whether there had been any prior orders of attachment against the same, and, if so, to specify their dates.

The Judge reported as follows:—

“It appears, from the report of the Alienation Settlement Officer, that after the conquest a pension of Rs. 2,000 was granted by the British Government in 1819 to Eshwantráv, the father of the petitioner. The grant appears to have been made either from motives of policy, or because the grantee had been of service to the British Government.

“On Eshwantráv's death, in 1827, the pension was continued to his two sons, Anandráv and Vithalráv (the petitioner), in equal shares. Anandráv having died on the 17th of June 1861, a portion (Rs. 240) of his share was continued to his widow; and the remainder lapsed to Government. The petitioner is in the enjoyment of his share of the pension, Chandore Rupees 1,000, or Queen's coin Rs. 955-3-4.”

The Judge at the same time forwarded a copy of the order of attachment, and stated that there had been prior attachment in 1853, when Rs. 87-8-0 were deducted and paid over to a creditor of the petitioner.

PER CURIAM (ERSKINE, NEWTON, and WESTROPP, JJ.):—
 As the petitioner has not shown that the pension is one enjoyed for past services rendered by him, and in consideration of his infirmities or old age, the Court will not interfere with the order of attachment.

Petition rejected.