

*Referred Case.*1867.
July 17.

JUDAL KOM RANCHHOD MU'LJIPlaintiff
HIRA' MU'LJIDefendant.

Hindú Widow—Maintenance—Small Cause Court.

Held that a suit for maintenance by a Hindú widow is cognisable by a Court of Small Causes in the Mofussil.

CASE referred for the decision of the High Court, under Sec. 22 of Act XI. of 1865, by Gopálráv Hari Deshmúkh, Judge of the Small Cause Court at Ahmedábád.

“ In Case No. 840 of 1867 in this court, the plaintiff has sued her brother-in-law, the defendant, for Rs. 60, on account of maintenance for a year, at Rs. 5 per month, which she says the defendant is obliged to give her, according to Hindú law, after the death of her husband.

“ The defendant states that this claim, being essentially one of the right to maintenance, ought not to be tried in this court.

“ My opinion is, that such suits as these are not cognisable by this court: because they necessarily involve intricate inquiries into law and the custom of the caste to which the parties may belong; and because, though it is a claim for money, it does not come within the scope of Sec. 6 of Act XI. of 1865, which mentions only claims for money due on a bond or other contract.”

PER CURIAM (COUCH, C.J., and NEWTON, J.) :—A suit for maintenance lies in a Court of Small Causes in the Mofussil, as determined by this Court, on the 12th of March 1867, in S. A. No. 61 of 1867; *Ramchandra Díkshít v. Sávitribái.*