

Regular Appeal No. 4 of 1866.

1867.
June 20.

LAKSHMI'BA'I, widow of MA'DHAVRAV GOVIND. *Appellant.*
GANESH ANTA'JI *et al.*..... *Respondents.*

Certificate of Administration—Minor—Collector—Act XX.
of 1864, Sec. 11.

Held that where the Court, under Sec. 11 of Act XX. of 1864 (Minors' Act), directs a certificate of administration to the estate of a minor to be granted to the Collector of a district, such certificate must extend to the moveable as well as the immoveable estate of the minor.

THIS was an appeal from an order made by the Honorable G. A. Hobart, District Judge of Khándesh, under Sec. 11 of Act XX. of 1864.

The facts of the case were these:—

Mádhavráv Govind died possessed of both moveable and immoveable property, leaving a widow named Lakshmibái, the present appellant, a son named Náráyaṇráv, and Ramábái, the wife of the latter. Náráyaṇráv died shortly after his father, and his widow Rámábái succeeded to his estate.

Rámábái, being a minor, her father, Antáji, applied for a certificate of administration to her estate, and to be appointed her guardian. Lakshmíbái, the mother-in-law of the minor, opposed the application.

The District Judge ordered a certificate of administration to the immoveable property to be granted to the Collector of Khándesh, a certificate of administration to the moveable property to be granted to the Názár of the Khándesh Adálat, and Bayábái, the wife of Antáji, and mother of the minor, to be appointed her guardian. Against this order Lakshmíbái appealed.

The case was heard before TUCKER and GIBBS, JJ.

Shántáram Náráyaṇ, for the appellant, contended that the order of the Judge directing a certificate of administration to the immoveable property to be granted to the Collector, and a certificate of administration to the moveable property to be granted to the Názár, was illegal, under Sec.

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11 of Act XX. of 1864 (a), the word "estate" in the closing part of the section meaning the entire estate of the minor. He also contended that his client, the appellant, was entitled to be granted a certificate of administration.

Vishvanáth Náráyan Mándlik, for the Názár, argued that the order was correct, the intention of the Legislature being that the Collector should be appointed to take charge of the immoveable property only.

Dhirajlál Mathurádás appeared for the Collector.

PER CURIAM :—"The Court see no reason to interfere with the order of the District Judge, so far as it refused to give a certificate of administration to the estate of the deceased Náráyanráv Mádhav to Lakshmíbái, the present appellant; but the Court are of opinion that Sec. 11 of Act XX. of 1864 requires that, if the case is a fit one for the appointment of the Collector as administrator, he should be given a certificate of administration to the *entire* estate. The Court therefore directs that the Judge do amend his order dated 21st June 1866 by appointing the Collector to administer to the entire estate, and granting to him the necessary certificate of administration. This order will in no way affect the appointment of a guardian to the person of the minor Rámábái made by the Judge, or the order made for the maintenance of the said minor, which appointment and order have not been appealed against.

(a) Sec. 11 of Act XX. of 1864 :—If the estate of the minor consists, in whole or in part, of land or any interest in land, the Court may direct the Collector of the district in which the larger part of the same may be situated to take charge of the estate.

July 9.

Special Appeal No. 4 of 1867.

GANPATRA'V VIRESHVAR *et al.* *Appellants.*
VITHOBA' KHANDA'PPA' *et al.* *Respondents.*

Hindú Law—Adoption—Sister's Son.

It is now well-settled law that the adoption of a sister's son by a Hindú of the Vaishya caste is valid.

THIS was a special appeal from the decision of R. H. Pinhey, District Judge of the Konkan, confirming, in Appeal Suit No. 256 of 1864, the decree of the Munsif of Panvel.