

1882  
 THE  
 COLLECTOR OF  
 RATNAGIRI  
 v.  
 JANARDAN  
 VITHAL  
 KAMAT.

fees was not one which the Subordinate Judge had jurisdiction to make under section 412 of Act X of 1877, we, in the exercise of our extraordinary jurisdiction, annul that order and with it all proceedings consequent upon the order, including the orders passed by the two lower Courts on the Collector's application No. 344 of 1880.

*Orders and proceedings annulled.*

### APPELLATE CIVIL.

*Before Sir Charles Sargent, Kt., Chief Justice, and Mr. Justice Melvill.*

July 27.

SADU, APPLICANT, v. SAMBHU, OPPONENT.\*

*Dekkhan Agriculturists' Relief Act XVII of 1879—Immoveable property—  
 Standing crops.*

Standing crops are immoveable property within the meaning of section 22 of the Dekkhan Agriculturists' Relief Act (XVII of 1879), as well as within the Code of Civil Procedure, and not liable to attachment and sale in execution of money decrees, unless specifically pledged.

THIS was a reference, under section 617 of the Civil Procedure Code Act X of 1877, from Rao Saheb J.S.B. Inamdar, Subordinate Judge of Rahimatpur.

The question submitted by him was "whether standing crops (that is, crops of sugar-cane) must be regarded as immoveable property within the meaning of section 22 of the Dekkhan Agriculturists' Relief Act (XVII of 1879), and, as such, whether they are attachable and saleable in execution of money decrees?"

The Subordinate Judge referred to the following cases:—*Ananda v. Manaji*(1); *Kirpashankar v. Govind*(2); *Nagapa Hegde v. Timaya Hegde*(3).

The Subordinate Judge was of opinion that these authorities did not touch the question submitted, and on a construction of section 22 of the Relief Act held that standing crops were not immoveable property, and were not exempt from attachment and sale in execution of money decrees against agriculturists.

\* Civil Reference, No. 30 of 1882.

(1) Civ. Ref. No. 17 of 1880, Printed Judgments for 1880, p. 274.

(2) Civ. Ref. No. 30 of 1880, Printed Judgments for 1880, p. 329.

(3) Civ. Ref. No. 43 of 1881, Printed Judgments for 1882, p. 73.

There was no appearance on either side in the High Court.

SARGENT, C. J.—There is nothing in the Dekkhan Agriculturists' Relief Act to lead to the conclusion that the term "immovable property" is used in any other sense than that which has been given to it in the cases under the Civil Procedure Code to which the Subordinate Judge has referred in the margin of his referring letter. Standing crops must, therefore, be held to be immovable property within the meaning of section 22 of the first named Act.

1882

SADU  
v.  
SAMBHU.

## APPELLATE CIVIL.

*Before Sir Charles Sargent, Kt., Chief Justice, and Mr. Justice Melvill.*

BÁBÁJI (ORIGINAL OPPONENT), APPELLANT, v. SHESHGIRI AND OTHERS  
(ORIGINAL APPLICANTS), RESPONDENTS.\*

July 20.

*Minors—Administration—Manager—Jurisdiction—Account—Act XX of 1864—  
Undivided Hindu family.*

A certificate of administration may be granted, under Act XX of 1864, for the share of a minor who is a member of an undivided Hindu family.

When a certificate is given in such a case the District Court has no jurisdiction to attach the undivided property in which the minor has a share, with a view to ascertain and divide off the minor's share. Such ascertainment and division can only be effected by a regular suit.

THIS was an appeal from the order of E. Hosking, Assistant Judge (Full Power) at Kaládgi.

Narsápá and Bhimáná were brothers carrying on a joint trading concern. Bhimáná having died, Narsápá was, on the 8th of July, 1875, appointed administrator of the share of his nephews, Sheshgir, Venkápá, and Tipáná, the sons of Bhimáná. On the death of Narsápá his grandson Bábáji Shrinivas carried on the business. In 1879 the eldest son of Bhimáná attained majority, and applied to the Court to take charge of the shares of his minor brothers and of himself. The Senior Assistant Judge, Mr. Scott, of Kaládgi, in pursuance of this application, attached a shop at the village of Ilkal, and had the accounts examined by two commissioners, who presented their report on the 1st of April, 1880. Two days afterwards Mr. Scott directed, with the consent of the applicant

\*Appeal, No. 14 of 1881, under Act XX of 1864.