

1883  
 MERWA'NJI  
 NOWROJI  
 v.  
 ASHARAI.

that a judgment-creditor in the Court of Small Causes had not before 1st July, 1882 the right to sue in that Court on his judgment.

## APPELLATE CIVIL.

*Before Mr. Justice Bayley, Acting Chief Justice, and Mr. Justice West.*

September 3.

IN THE MATTER OF THE APPLICATION OF NARMADÁBÁI AND ANOTHER (ORIGINAL APPLICANTS), APPELLANTS.\*

*Act XX of 1864, Sections 6, 9 and 19—Mother appointed administratrix—Account of minor's estate after his death—District Court.*

Where a mother is appointed administratrix to the estate of her minor son, under Act XX of 1864, section 6,

*Held that, unlike a curator or other person appointed administrator under section 9, she is not bound to render an account, unless a suit should be instituted for the purpose, under section 19, by a relative, during the minority.*

No application for account can be made after the death of the minor, though his representatives are entitled to an account. When the minor is dead, the District Court is no longer capable of representing him under the Act. The only way of calling the administrator to account is a suit instituted by a person interested.

THIS was an appeal from the decision of J. L. Johnstone, Acting District Judge of Khándesh, in application No. 6762/1882.

On the 13th March, 1877, Narmadábái was appointed administratrix to the estate of her minor son Mádhavráv. On the 3rd March, 1882, Mádhavráv died, leaving him surviving his widow Anandibái and his mother Narmadábái. On the 31st March, the District Judge called upon Narmadábái to render an account of the minor's property during her administration of his estate. She and her daughter-in-law Anandibái thereon applied to the Court, stating that the certificate of administration granted to the former was no longer in force, and that she (Narmadábái) was not liable to render the account demanded by the District Judge. Mr. Johnstone rejected their application on the 20th July, 1882.

They appealed to the High Court.

\* Appeal No. 70 of 1882 under Act XX of 1864.

*K. T. Telang* (with *Shántárám Náráyan* and *S. V. Bhándárkar*) for the appellants.—The order of the District Judge is contrary to law. The District Court became *functus officio* after the death of the minor. The order, therefore, calling upon the administratrix for an account of the property entrusted to her charge was *ultra vires*.

WEST, J.—The mother, appointed administratrix to a minor's estate under Act XX of 1864, section 6, is not bound, as is a curator or other person appointed on the ground of fitness, under section 9, to present accounts, unless a suit should be instituted for the purpose under section 19 by a relative during the minority. No such application can be made after a minor's death, though his representatives are, as such, entitled to an account. When the minor is dead, the Court is no longer capable of representing the minor under the Act. The only way of calling the administratrix to account is a suit instituted by a person interested. We, therefore, reverse the order of the District Court.

*Order reversed.*

## APPELLATE CIVIL

*Before Mr. Justice Bayley, Acting Chief Justice, and Mr. Justice Pinhey.*

BAI KANKU (ORIGINAL DEFENDANT), APPELLANT, *v.* BAI JADAV  
(ORIGINAL PLAINTIFF), RESPONDENT.\*

September 11.

*Hindu Law—Widow—maintenance—Liability of son's widow for maintenance of her mother-in-law.*

Where a Hindu widow sued the widow of her pre-deceased son for maintenance, and it was found that the only property in the possession of the defendant were the proceeds of her own *stridhan* and a family-house, which yielded no rent and was jointly occupied by the plaintiff and defendant,

*Held* that the defendant was not liable for the maintenance claimed.

*Savitribái v. Lakshnáibái* (1) followed.

THE plaintiff, BAI Jadav, was a Hindu widow and sued her daughter-in-law (the widow of her pre-deceased son) for Rs. 498,

\* Second Appeal No. 422 of 1882.

(1) I. L. R., 2 Bom., 573.

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