

Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Tripurari Pal and another v. Jagat Tarini Dasi and others, from the High Court of Judicature at Fort William in Bengal (P.C. Appeal No. 24 of 1911); delivered the 31st October 1912.

PRESENT AT THE HEARING :
LORD MACNAGHTEN.
LORD MOULTON.
SIR JOHN EDGE.
Mr. AMEER ALI.

[DELIVERED BY LORD MACNAGHTEN.]

Their Lordships are of opinion that in this case the decision of the High Court cannot be supported. There is, in their Lordships' view an absolute gift of the shebaitship to the son Mukunda Murari on his attaining 21, and it is not cut down, as far as they can see, by anything that follows. There are provisions in the case of his death as a minor, but no provision cutting down the absolute gift to him. The words are : " My present begotten son Mukunda Murari will " be shebait for the performance of those " ceremonies."

Their Lordships will therefore humbly advise His Majesty that the Appeal ought to be allowed, and the Judgment of the Subordinate Judge restored.

There will be no order as to the costs incurred in the High Court, except that any costs paid under the order appealed from must be returned, and there will be no costs of this Appeal.

In the Privy Council.

TRIPURARI PAL AND ANOTHER

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JAGAT TARINI DASI AND OTHERS.

DELIVERED BY LORD MACNAGHTEN.

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