

*Judgement of the Lords of the Judicial Committee  
of the Privy Council on the Appeal of Narpat  
Singh v. Mahomed Ali Hussain Khan, from the  
Court of the Judicial Commissioner, Oudh ;  
delivered 10th June 1884.*

---

Present :

LORD WATSON.

SIR BARNES PEACOCK.

SIR ROBERT P. COLLIER.

SIR RICHARD COUCH.

SIR ARTHUR HOBHOUSE.

THEIR Lordships see no reason to think that the judgements of the two Courts below are erroneous.

The Plaintiff is suing to recover possession of certain property, and he must recover upon the strength of his own title. He claims as reversionary heir of Hanuman Bakhsh, the son of Jagraj. In order to succeed he must show that the estate was the heritable property of Hanuman Bakhsh. On looking at the letter of the Chief Commissioner of the 13th February 1860, it appears to their Lordships that it was the intention of the Government to make provision for Jagraj's widow and family. The Chief Commissioner, in his letter, says: "The party consists of Beni Madho's son, a boy of about 13 or 14 years of age, and his betrothed wife; the widow and daughter of Jagraj Singh, brother of Beni Madho, killed with him: the son and daughter are children; Narpat Singh, brother of Beni Madho, and his wife and daughter, the latter aged 10 years. They are all at present living with a relative,"—and so on. "Jagraj Singh and Narpat Singh held, up to annexation landed property quite distinct from that of Beni

“ Madho. The estate of the first named”—that is, of Jagraj—“ was assessed at about Rs. 25,000, “ and of the latter at about Rs. 16,000. Both “ estates have been confiscated. The Chief “ Commissioner proposes to assign for the sup- “ port of the family confiscated lands in the “ Sitapur district assessed at Rs. 11,100, and “ in the following proportions:—Beni Madho’s “ son, Rs. 6,000; Narpāt Singh, Rs. 2,500; Jag- “ raj’s widow and his family, Rs. 2,500.” Then he goes on to say, at paragraph 8: “ The two “ boys, viz., the son of Beni Madho, and of Jagraj, “ should reside at Sitapur for the benefit of the “ education that is afforded at an excellent school “ lately established there for the education of the “ sons of Talukdars, and in the meantime the “ land can be managed by the local authorities, “ who can remit the proceeds monthly”—that is, for the benefit of those entitled. “ The widow of “ Jagraj Singh, and his daughter, had better “ reside at Sitapur with the boys. When the “ education of the brother is completed”—that must refer to the brother of the daughter of Jagraj; it could refer to no one else. “ When the “ education of the brother is completed, they ” —that is, the persons for whose benefit the property was to be assigned; namely, the widow and the family,—“ can be placed in possession of the “ properties now assigned to them. The Chief “ Commissioner has proposed a liberal provision “ for the members of this family, not only because “ they are objects of compassion in themselves, “ but also because he is convinced that this “ generous treatment of the family of so deter- “ mined an enemy as Beni Madho will be regarded “ by the Oudh Talukdars as a most magnanimous “ act on the part of the British Government, and “ will earn for it enduring popularity.”

The Government assented to this proposal of the Chief Commissioner; and their Lordships are of opinion that it was the intention of the Govern-

ment that the land assessed at Rs. 2,500 should be assigned for the benefit of Jagraj's widow and his family as joint tenants, and not as tenants in common or to the son separately. The Judicial Commissioner, in his judgment, appears to their Lordships to have put the case very clearly. He says: "As to the position of Mussammat Shahzad Kunwar: The grant was made to the family of Jagraj Singh jointly. As the Government in no way defined the rights assigned to each grantee, the three persons who composed the family must be held to have been joint owners; and on the death of the two children their mother, as survivor, became sole owner. The Government, when assigning the land, did not restrict Mussammat Shahzad Kunwar's right to a life interest only; and as she acquired possession, not as heir to her son, but as the survivor of three joint owners, her proprietary right was absolute. The fact that the name of Hanuman Singh only was at first entered in the Collector's Malguzari register is unimportant, and cannot affect the rights of the joint owners." It is unnecessary to determine whether the Government did intend to give life interests only or absolute interests. The Plaintiff must recover upon the strength of his own title. The Government has never claimed to resume the land.

It appears to their Lordships that the judgement of the Judicial Commissioner was correct; and their Lordships will therefore humbly advise Her Majesty to affirm it. The Appellant must pay the costs of the Appeal.

