

**Dharmana Sooramma Vs. Gangu Narasamma and ors.**

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**Court :** Chennai

**Decided On :** Sep-11-1935

**Reported in :** AIR1936Mad83; (1935)69MLJ816

**Appellant :** Dharmana Sooramma

**Respondent :** Gangu Narasamma and ors.

**Judgement :**

Stone, J.

1. In my opinion this Civil Revision Petition succeeds. Costs to abide the event. In view of Govindaszvami Pillai v. Municipal Council Kumbakonam I.L.R.(1917) 41 Mad. 620 : 34 M.L.J. 399, I am of the opinion that revision lies here. The learned District Judge has dismissed the pauper application clearly because he regarded it as obvious that the term 'sister' in Act II of 1929 does not include the term 'half sister'. This is a point by no means obvious. It is true that a Full Bench of the Allahabad High Court has since so held Ram Adhar v. Sudesra I.L.R.(1933) 55 all. 725; but that matter only went before a Full Bench because it was regarded as a point of difficulty. There are English decisions which point in the contrary direction. But whether in the result it appears that this is the correct conclusion or not, it is not in my opinion a conclusion so obvious that it should be made the sole ground for throwing out the pauper petition.

2. Before me another ground has been taken viz., that relevant date is when the male owner and not when the limited owner, dies. That again is a moot point upon which there are conflicting decisions. Against the pauper applicant there is Krishnan Cettiar v. Manickmmal (1933) 66 M.L.J. 70. On the other side there is Kalimuthi Pillai v. Ammamuthu Pillai (1934) 67 M.L.J. 503 Shib Das v. Nand Lal I.L.R.(1931) 13 Lah. 178 and Chuhtan v. Mt. Akli. That again is a doubtful point, that should not, I think for the reasons pointed out in Govindasami Pillai v. The Municipal Council, Kumbakonam (1917) I.L.R. 41 Mad. 620 : 1917 34 M.L.J. 399 be decided at this stage.