

Ram Chander Darak

Vs

Ganeshdas Rathi and Others

Civil Appeal No. 2110 of 1970

(D. A. Desai, O. Chinnappa Reddy A. Varadarajan JJ)

23.08.1983

JUDGMENT

It appears that the appellant claimed apportionment of compensation in respect of property acquired, in his capacity as the reversioner of the last male owner Jainarayan, on the ground that the alienation made by Mohana Bai widow of deceased Jainarayan being by a limited owner, having a widow's interest in property, the alienation is not binding on the reversioner. It is conceded that widow Mohana Bai is alive. In her lifetime appellant as reversioner cannot claim any title in present to the property which was the subject-matter of acquisition and consequently he is not entitled to receive compensation in the lifetime of Mohana Bai. He could not have therefore asked for apportionment of compensation in his favour. He is not entitled to compensation even if the alienation is valid or invalid in the lifetime of widow Mohana Bai. Therefore he had no right to claim compensation in the lifetime of Mohana Bai. Accordingly, on this short ground, the appeal fails and is dismissed with costs.

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