

The such institution.
the expression
'valuable
consideration'



The word ' manager' used in Art. 94 includes a person who is in charge of an administration of an endowment or manages the partners or supervises the performance of religious or charitable institution. It includes a ' Wakf Board'. In Mahadeo Prasad v. Haria Bharati, (AIR 1935 PC 114), it has been held that the term ' manager' includes a person who is in actual possession of the religious institution and files a suit for recovery of possession of the property for the benefit of such institution.

The expression ' valuable consideration' is not an adequate consideration, and such consideration must be genuine and should not be nominal or illusory. The word ' transfer' in Art. 94 includes even a lease, besides sales, mortgages etc. In Veerraju v. Venkanna, (AIR 1966 SC 629), it has been held that Art. 94 contemplates a suit for setting aside a transfer by the manager of the endowed property for valuable consideration when the manager did - not have any legal necessity to effect such transfer. In Thakerji v.

Khushiram, (AIR 1938 Lah. 752), it has been held that a suit by a Hindu idol for injunction restraining the defendant for disturbing idol's possession on the basis of an alleged transfer by a former mahant attracts Art. 94 because such a suit is in substance a suit for setting aside a transfer by the former mahant. Art. 94 does not contemplate a suit for possession but only a suit to set aside a transfer of immovable property comprised in a Hindu, Muslim or Buddhist religious or charitable endowment made by manager thereof for a valuable consideration. Under the Art. 94, the limitation starts from the date when the transfer comes to the knowledge of the plaintiff what the Art.

94 contemplates is the actual knowledge of person suing as plaintiff, but not any one of the family of the plaintiff.