

The trust made inter vivos or by virtue



**ASSIGN  
BUSTER**

The applicability of the Art.

108 is limited to the cases where an alienation is good as long as the alienor being either Hindu or Muslim female is good so long as the alienator is alive or so long she does not remarry. The suit contemplated under the Art. 108 is one filed during the life-time of the Hindu or Muslim. Art. 108 applies where the possession is that of Hindu or Muslim female as such, that is to say, by virtue of her being a Hindu or Muslim and does not apply when the possession is virtue of a grant or trust made inter vivos or by virtue of bequest.

The expression “ by a Hindu or Muslim, if the female dies at the date of institution of the suit would be entitled to possession of the land” would indicate that the suit has been filed by the nearest reversioner, even though such reversioner be another female having a limited estate in the property. However, the Art. 108 is not restricted to only to suits by reversioners because when the word ‘ reversioner’ has been used in the Art. 108 it should not be imported to the Art. 108. In *Nagina v. Bishni*, (AIR 1938 Lah.

457), it has been held (hat a suit by certain members of a proprietary body of the village to declare that alienation by the widow shall not affect their reversionary rights is governed by the Art. 108. The Art. 108 has, at the present time, only limitation due to passing of the Hindu Succession Act, 1956, Hindu Widow’s Re-marriage Act, 1956 and Shariat Act, 1937. Art.

108 applies only to suits brought during the life-time of the Hindu or Muslim limited owner alienating the property in which she had limited interest.

Under Art. 108, the period of limitation commences from the date of

alienation by the Hindu or Muslim female having life interest in the property alienated.