

1900.
October 19.

Re the Estate of AVOO LEBBE MARIKAR, deceased.
D. C., Colombo, 1,213.

Mohammedan ladies — Right to draw money out of court — Personal attendance dispensed with—Representation by proctor—Right of administrator to draw on their behalf.

Mohammedan ladies, to whose credit money has been deposited in Court in a testamentary case, may draw it upon application by a duly appointed proctor, without having to personally attend Court.

The administrator, though related to such ladies as brother, has no right to draw it.

THE appellants being the administrators of the estate of the above-named deceased applied to the District Judge, on affidavit, some time after filing his final account, to withdraw a sum of money deposited in Court to the credit of two of his sisters, who being Mohammedans were not accustomed to appear in Court.

The District Judge refused the application, and the applicants appealed.

Sampayo, for appellants.

19th October, 1900. BONSER, C.J.—

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This is an appeal by an administrator against the refusal of the Additional District Judge of Colombo to pay out to him certain money in Court, representing the shares in the estate of the intestate of two Moorish young ladies, who are the sisters of the administrator. They are not represented in the proceedings by a proctor, and according to the habit of their race and religion they do not come personally into Court. But there is no reason why they should not be represented by a proctor.

We have the opinion of the District Judge, on the materials before him, that he had no security that if the money was paid over to the brother, his sisters would ever see a halfpenny of it ; and I think he was quite right to insist upon some assurance that the money would reach the hands of the proper parties. These Moorish women are entirely under the thumb of their male relations, and, therefore, it is all the more necessary to take special precautions to protect their interests. But I see no reason why, if they make their application by a duly appointed proctor, the District Judge should not accede to it, dispensing with their personal attendance.
