SINCHOHAMY r. GUNAVATHAMY

P. C., Tangalla, 15,597.

Maintenance—Ordinance No. 19 of 1889, s. 7—Evidence of paternity—Loose character of the mother—Corroboration of the mother " in some material particular "—Meaning of the expression.

In Ordinance No. 19 of 1889, section 7, the requirement that the mother's evidence as to the paternity of the defendant should be corroborated " in some material particular " means, when the mother is shown to be of a loose character, that she should lead corroborative evidence that defendant and no other person was the father of the child.

THE defendant was charged under section 3 of the Ordinance No. 19 of 1889 with refusing to maintain his child. The complainant's statement that the defendant was the father of her child was not corroborated by any of the witnesses called by her. The Magistrate believed her and ordered the defendant to pay her a monthly allowance of Rs. 2, though there was some evidence that she was the mistress of several persons in succession.

Defendant appealed.

Schneider, for appellant.

Cur. adv. vult.

6th May, 1901. BROWNE, A. J.—

I think this case amply illustrates the requirements of the law that the complainant in a claim for maintenance must have her testimony corroborated in some material particular. I take that expression to mean " material to the issue that is before the Court." In this case, it would be " material to the proof that defendant and no other person was the father of the child." Here the evidence largely accuses the complainant as being a woman of light or loose character, so that the proof should be convincing that, of all her possible paramours, defendant was solely responsible for the paternity of this child. There is no such evidence given; and in some respects the Magistrate has accepted from at least one of the witnesses that which in his mouth was only hearsay evidence of what others 'had told him, and so was entirely inadmissible.

I therefore set aside the order and dismiss the petitioner's application with costs.