

1957

Present : Basnayake, C.J., and Pulle, J.

ATTADASSI UNNANSE, Appellant, and INDAJOTHI UNNANSE,
Respondent

S. C. 332—D. C. Kandy, 4361/L

Buddhist ecclesiastical law—Sisyanusisya paramparawa—Succession when incumbent dies leaving no pupils—“Chain of pupillary succession”.

When the incumbent of a Vihare to which the rule of *Sisyanusisya Paramparawa* dies without leaving a pupil, the line of pupillary succession becomes extinct, and the right of appointing his successor is vested in the Sangha. It cannot be contended that the chain of pupillary succession includes not only the descending line but also, when the descending line becomes extinct, the ascending line.

APPEAL from a judgment of the District Court, Kandy.

H. W. Jayewardene, Q.C., with *P. Ranasinghe*, for Defendant-Appellant.

N. E. Weerasooria, Q.C., with *W. D. Gunasekara*, for Plaintiff-Respondent.

March 6, 1957. BASNAYAKE, C.J.—

This is an action by Kotmale Indajothi Unnanse against Kehelgamuwa Attadassi Unnanse praying that he be declared Viharadhipathi of Udawela Vihare and that he be placed in possession of that Vihare and its temporalities, and that the defendant be ejected therefrom. It is common ground that Swarnajothi Thero was the original incumbent of Niyangampaya Vihare. He was succeeded by Werawela Ratnajothi who in turn was succeeded by Pasbage Indasara. Indasara had four

pupils of whom we need refer only to Kehelgamuwe Gunaratana. He had seven or eight pupils (the evidence is not definite) of whom we need mention only Dekinde Piyaratne, Hakurugamuwe Ratnajothi, Kehelgamuwe Dewarakkhita, Kehelgamuwe Seelaratne and Galketiyyagama Ratanajothi. Gunaratana was incumbent of Niyangampaya and Udawela Vihares. It would appear that Gunaratana had by deed transferred the right to the succession to Niyangampaya Vihare to his pupil Kehelgamuwe Devarakkitha and the right to the succession to Udawela Vihare to his pupil Hakurugamuwe Ratnajothi and to his pupils by *Sisyanusisya Paramparawa*. Devarakkitha disrobed in 1952 and was succeeded by his pupil the defendant Attadassi. The plaintiff Kotmale Indajothi is a pupil of Dekinde Piyaratana, the senior pupil of Gunaratana. Piyaratana died in February 1944. In that year Hakurugamuwe Ratnajothi executed a deed by which he conveyed Udawela Vihare to his brother bhikkhu Kehelgamuwe Devarakkhitta and after Devarakkhita's death to Devananda who was at that time a minor and not mature enough to assume the control of the Vihare. Devarakkhitta disrobed in 1952 and in 1953 Devananda disrobed. The latter had no pupil. Now the question we have to decide is whether on the disrobing of Devananda the line of succession to Udawela Vihare became extinct. Learned counsel for the respondent urged that when a line of pupillary succession becomes extinct the succession notionally reverts to the original tutor and through him to his senior pupil and the senior pupil's pupil. According to the expert evidence on the rules of Buddhist ecclesiastical succession and reproduced at p. 506 of the twentieth volume of the New Law Reports, it would appear that when the incumbent of a vihare to which the rule of *Sisyanusisya Paramparawa* succession applies dies without leaving a pupil, the right of appointing his successor is vested in the Sangha. In the case of temples which recognise the hegemony of the Malwatte or the Asgiriya Chapters the right to appoint a Viharadhipati to a vihare the succession to which has become extinct is in the Chapter of Asgiriya or Malwatte as the case may be. The use of the expression "chain of pupillary succession" in the answers of some of the learned Bhikkhus who gave expert evidence in the case of *Dhammaratne Unnanse v. Sumanagala Unnanse*¹ has given room for the argument addressed to us by learned counsel for the respondent that the chain of succession includes not only the descending line but when the descending line becomes extinct the ascending line. We are unable to accept that view of pupillary succession. On the evidence given by the learned Bhikkhus in *Dhammaratne Unnanse v. Sumangala Unnanse* (supra) it is quite clear that when an incumbent dies leaving no pupils the line is extinct and his successor must be appointed by the Sangha. The plaintiff is therefore not entitled to succeed and his action must be dismissed.

The defendant has in his answer asked that he be declared Viharadhipathi of Udawela Vihare. The defendant is a pupil of Devarakkitha and not of Devananda and therefore has no right to Udawela Vihare. He also claimed the right to succeed to Udawela Vihare on the ground that Vihare was appurtenant to Niyangampaya Vihare of

¹ (1910) 14 N. L. R. 400.

which Devarakkitha had been Viharadhipathi, but the learned trial Judge has rejected that claim and we are not disposed to disturb that finding.

We allow the appeal and set aside the judgment of the learned District Judge declaring the plaintiff Viharadhipathi of Udawela Vihare and ordering him to be placed in possession thereof and for ejection of the defendant. The appellant is entitled to his costs of appeal.

PULLE, J.—I agree.

Appeal allowed.
