

Memo was filed by the respondents to alter the share of the parties as per the memo. The counsel for petitioner had no objection to the memo.

Perused records. The propositus Maregowda @ Doddathammaiah had left behind 3 sons, 3 daughters and wife. Respondent No.1 is the son of propositus. A.M.Shivalingegowda another son of propositus having died he has left behind his wife and daughter who are R2(a) and R2(b). A.M.Shankaregowda the son of propositus being dead, he has left behind his wife the petitioner. Respondent No.3 is the wife of the propositus who was reported dead on 03.04.2021. Respondent No.4 to 6 are the daughters of the propositus.

As per the finding of the Hon'ble Supreme Court in **Vineeta Sharma V/s Rakesh Sharma and Others in Appeal No.32601 of 2018** the daughters have equal right in the coparcenary property with that of a son. By applying notional partition, the propositus Maregowda and his 3 sons and 3 daughters are entitled for 1/7th share each.

The propositus Maregowda being dead his 1/7th share is to be equally divided between his 3 sons, 3 daughters and his widow i.e. they all get 1/49th share each.

R2 i.e. A.M. Shivaligegowda the son of propositus being dead, he has left behind his mother i.e. R3 and his wife and daughter i.e. R2(a) and (2(b) as class-I legal heirs. Hence, out of  $8/49^{\text{th}}$  share allotted to deceased A.M. Shivaligegowda R2(a) and R2(b) are jointly entitled for  $5.5/49^{\text{th}}$  share and R3 is entitled for  $2.5/49^{\text{th}}$  share.

The son of the propositus i.e. Shankaregowda being dead, he has left behind the class-I legal heirs i.e. the respondent No.3, his mother and his wife i.e. the petitioner. Hence,  $8/49^{\text{th}}$  share allotted to Shankaregowda are equally divided between the petitioner and respondent No.3 and they are entitled for  $4/49^{\text{th}}$  share each.

The respondent No.3 was reported dead recently and as per Rule 15 of Hindu Succession Act her sons, daughter(including children of predeceased son and daughter and her husband) are considered as class-I legal heirs. Hence, respondent No.1, R2(b), R4 to R6 are the class-I legal heirs of respondent No.3. Respondent No.3 was allotted  $7.5/49^{\text{th}}$  share( $1/49 + 2.5/49 + 4/49$ ). The share of respondent No.3 are equally divided between R1, R2(b), R4, R5 and R6 and they are entitled for  $1.5/49^{\text{th}}$  share each.

Hence, R1, R4 to 6 are entitled for  $9.5/49$  share each( $1/7 + 1/49 + 1.5/49$ ). R2(a) and R2(b) jointly entitled for  $7/49(5.5/49 + 1.5/49)$ . The petitioner entitled for  $4/49$

share. With this observation, I proceed to pass the following:-

**ORDER**

Memo filed by the respondent is hereby accepted. The preliminary decree is hereby modified.

The petitioner entitled for 4/49<sup>th</sup> share. The respondent No.1, 4 to 6 are entitled for 9.5/49 share each. The respondent No.2(a) and 2(b) are jointly entitled for 7/49 share in suit schedule properties.

The respondents are directed to pay the Court fee in accordance with law.

Further steps if any.

**Senior Civil Judge,  
Maddur.**