

**Order below Exh.41 In R.C.S. No.482 of 2024**

Passed on this 05<sup>th</sup> day of May, 2026)

**Kalidas Vrs. Ramdas & Ors.**

CNR NO.MHLA060013582024

1. This is an application filed by the third person viz Vijaykumar Pralhadrao Jadhav, Age-55 years, Occupation-Agriculturist, R/o. Ranisavargaon, Tq. Gangakhed, Dist. Parbhani to implead him as defendant No.4 in the suit being the necessary party.

2. Perused the application and say of the plaintiff filed at Exh.43. Perused the pleadings of both the parties.

3. The third person averred in the application that this application is filed by him on getting knowledge about the present suit. The plaintiff and the defendants had one sister viz Surekha Vijaykumar Jadhav who died issueless on 25.04.2021. The third person is her husband. This is a suit for partition. Hence, the third person being the only heir of deceased Surekha, is a necessary party to this suit. Hence, requested to direct the plaintiff to add him as defendant No.4.

4. The plaintiff contended that the contentions in the application are false. The third person is a stranger having no concern with the joint family of the plaintiff and the defendants. The third person had no relation with deceased Surekha who was the real sister of the plaintiff and the defendants. Surekha was issueless. When Surekha died, marital tie was not in existence between the third person and deceased Surekha. Deceased Surekha was a government servant. In her service record the name of her brother's son is entered by her. Hence, the third person is not necessary party to the suit.

5. Heard both the sides.

6. Ld. Advocate for the third person remained absent for the argument. Ld. Advocate for the plaintiff submitted that

firstly the third person was not the husband of deceased Surekha who was admittedly the sister of the plaintiff and the defendants. Secondly, even if it is presumed that the third person was the husband of deceased Surekha, he has no right in the property which would be inherited by deceased Surekha from her father in view of Section 15(2)(a) of the Hindu Succession Act. He relied upon the ratio laid down in **Chikkala Devika Mansa Vs. The State of Andra Pradesh** decided by Hon'ble Andra Pradesh High Court bench at Amravati on 17.03.2026 in which it is held that the bare reading of Section 15(2)(a) of Hindu Succession Act clearly outlines that if the property is inherited by a femal Hindu from her father or mother in the absence of any child, the property of the deceased shall go to the legal heirs of father. The husband will not get any right over the property inherited by her from her father.

7. The suit is for partition and separate possession. Hence, only the coparceners are the necessary parties to the suit. The third person is alleged to be the husband of deceased Surekha who was the sister of the plaintiff and the defendants.

8. As rightly pointed out by the ld. Advocate for the plaintiff, Section 15(2) (a) of Hindu Succession Act provides for general rules of succession in case of female Hindus. Sub Section 2 of Section 15 of the said Act provides that notwithstanding anything content in sub Section 1 any property inherited by a female Hindu from her father, mother shall devolve, in absence of any son or daughter of the deceased not upon the other heirs referred in sub Section 1 but upon the heirs of the father. Section 8 of the Hindu Successions Act provides general rules of succession in case of males. The relation son in law is not covered in class 1 schedule of Hindu Succession Act.

9. In the present case the property which would be inherited by deceased Surekha is the property of her father.

She is admittedly died issueless. So, the heirs of her father will be entitled to the property which would have been inherited by her. The third person is alleged to be son in law of her father. Hence, the third person has no right of inheritance in property which would have been devolved upon deceased Surekha from her father. Therefore, the third person is not a necessary party to a suit between the plaintiff and the defendants. Hence, the application is liable to be rejected.

**O R D E R**

The application is rejected.

**Place:** Ahmedpur.

**Date:-** 05.05.2026.

**(Swanandi D. Wadgaonkar)**

Jt. Civil Judge, J.D.,  
Ahmedpur.