

WEB COPY

SA No. 811 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**SA No. 811 of 2025
and CMP.No.30598 of 2025**

Subramanian

Appellant(s)

Vs

1. Sundari

2.Renuka Devi

3.Chitra

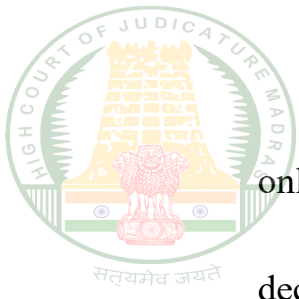
Respondent(s)

For Appellant(s): M/s. A. Muthukumar

ORDER

Challenging the reversal findings, the first defendant has preferred this appeal on the following grounds:

- i) The first appellate Court failed to see that the provisions of amended Section 6 of the Hindu Succession Act 1955 would apply



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only if there was no partition by means of an instrument or final decree prior to 20.12.2024 and that therefore the judgment and decree of the first appellate Court is liable to be set aside.

ii) The first appellate Court failed to see that no daughter could lay any claim in the coparcenary property if the partition was effected prior to 20.12.2004 and that therefore, the judgment and decree of the first appellate Court is liable to be set aside.

iii) The first appellate Court erred in interpreting Section 6 of the Hindu Succession Act 1955 as amended by the Amending Act 39 of 2005, which resulted in passing an erroneous decree.

iv) The First Appellate Court failed to see that the plaintiff has categorically admitted in the plaint that the suit properties are the separate properties of the first defendant as allotted to him in the final decree passed in O.S.No.213 of 1990 and that therefore the present suit is not maintainable in law.

2.This Court admits the Second Appeal on the following substantial



questions of law:

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i) When the final decree in O.S.No.213 of 1990 was passed as early as on 12.12.2003 i.e., prior to 20.12.2004, whether the First Appellate Court erred in law in holding that the present suit is maintainable in law contrary to the proviso to Section 6 (3) (c) of the Hindu Succession Act 1955 as amended by the Central Act 39 of 2005?

ii) When the suit properties were allotted to the share of the 1st defendant as per the final decree passed on 12.12.2003 in O.S.No.213 of 1990 and the plaintiff has admitted in the plaint that the said properties are the separate properties of her father, 1st defendant, whether the suit is maintainable in law without impleading the other sharers and without including the entire properties to O.S.No.213 of 1990?

3. Issue notice to the respondents, returnable by 19.01.2026.

4. Till then, the decree passed by the Court below is ordered to be stayed.

5. Post the mater on 19.01.2026.



WEB COPY

SA No. 811 of 2025



08-12-2025

pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

SA No. 811 of 2025



T.V.THAMILSELVI J.

pvs

SA No. 811 of 2025

08-12-2025