IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 83 of 2023
With
I.A. No. 14478 of 2025

Vijay Kumar Yadav @ Ghosh and others
… … **Appellants**
Versus
Shanti Ghosh and others … … **Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants	: Mrs. Sushmita Lal, Advocate
	: Mr. Manoj Kumar Ram, Advocate
For the Resp. No. 5	: Mr. Kanti Kumar Ojha, Advocate
	: Ms. Rashika Bhardwaj, Advocate
	: Mr. S. N. Saraswati, Advocate
	: Mr. Pranjal Chaturvedi, Advocate
For the Respondents	: Mr. Sudhir Kumar Sharma, Advocate
	: Mr. Gautam Kumar, Advocate
	: Ms. Savita Kumari, Advocate
	: Mr. Sanjay Kumar Sinha, Advocate

11/**18.12.2025** Heard the learned counsel for the parties on the proposed additional substantial question of law filed through I.A. No. 14478 of 2025. Further, the learned counsels have also advanced their arguments if there is any other question of law involved in this case.

2. It is not in dispute that the case involved in this second appeal, inter alia, relates to applicability of Hindu Succession Act as amended in the year 2005 with respect to right of daughters in the family. It further appears that the suit property was gifted to sons in the family by the father to the exclusion of the daughters and relinquishment deeds were also executed with respect to the same property by the daughters and the property is grandfather's property.

3. There are four gift deeds numbered as 2521, 2522, 2523, 2524 all dated 22.04.1972 and the one relinquishment deed no. 4836 of 1994 which is involved in this case. The plaintiff also sought for a declaration that the suit property was ancestral property.

4. The parties have joined issues as to whether challenge to these gift deeds and relinquishment deed were barred by limitation.

5. This court finds that one of the substantial questions of law framed vide order dated 30.11.2023 is relating to the point regarding the nature of property being ancestral property.

6. During the course of argument, it transpired that if the property is ancestral property, then under such circumstances, the granddaughter may have some right over the property alike sons, but if the property is self-acquired property of the grandfather, then upon his death, the property may not be termed as ancestral property in the eyes of law.

7. Therefore, an intricate point arises for consideration as to whether the gift deeds and the relinquishment deed were void ab initio or were voidable and if the same were voidable, then a further question would certainly arise as to whether the suit was barred by limitation.

8. In view of the aforesaid facts and circumstances, this court is of the view that following substantial question of law arises for consideration in this case.

(i) *Whether the learned courts were justified in holding that the gift deeds and relinquishment deeds were void ab initio?*

(ii) *Whether the challenged to gift deeds and relinquishment deed were barred by limitation?*

9. With the consent of learned counsel for the parties, post this case under the heading for 'Final Disposal' on 19.01.2026.

10. Parties to prepare short synopsis of case, list of dates and the judgement which they seek to rely upon to be filed at least five days before the next date of listing.

11. I.A. No. 14478 of 2025 stands disposed of.

(Anubha Rawat Choudhary, J.)

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