

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. \_\_\_\_\_ OF 2024  
(@ SLP(C) Nos.12606-12607/2012)

SUBHASH LAXMAN TIPARADDI . & ANR.

APPELLANT(S)

VERSUS

SRIDEVI & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. A limited issue of question of law has arisen in these appeals that is to the effect as to whether the illegitimate children will get an equal share in the joint family property or not. This issue has been answered by this Court in 'Revanasiddappa & Anr. Vs. Mallikarjun & Ors', (2011) 11 SCC 1. In the case on hand, under Exhibit D1 there was a prior partition between Laxman, the predecessor of both the appellants and respondent Nos. 1 to 4, and Laxman's brother Sangappa, who is respondent No. 5. The property which Laxman got under Exhibit-D1 becomes a joint family property along with the children of his first wife.
3. The Trial Court has treated these properties as the self acquired property of Laxman and gave the respective shares to all the children including the respondent Nos. 1 to 4 and respondent No. 4/4, who are illegitimate.
4. In the light of the judgment rendered in 'Revanasiddappa &

Anr. Vs. Mallikarjun & Ors', (2011) 11 SCC 1, the judgment and decree of the High Court cannot be sustained in the eyes of law. As Laxman, who is the predecessor of both the appellants and respondent Nos. 1 to 4, is no more, respondent Nos. 1 to 3 and Sharada (who is respondent No. 4/4) being the illegitimate children of Laxman are entitled to have an equal share in Laxman's share alone as notional partition has taken place in pursuant to his death.

5. We direct the Trial Court to fix the shares accordingly. The judgment and decree of the High Court stands set aside.
6. The Trial Court shall carry out the exercise within a period of six months from today.
7. The appeals are allowed accordingly. No costs.
8. Pending application(s), if any, shall stand disposed of.

.....J.  
[M.M. SUNDRESH]

.....J.  
[ARAVIND KUMAR]

NEW DELHI  
27<sup>th</sup> NOVEMBER, 2024

ITEM NO.18

COURT NO.11

SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 12606-12607/2012

[Arising out of impugned final judgment and order dated 29-11-2011 in RFA No. 2542/2006 and in RFA No. 387/2007 passed by the High Court of Karnataka Circuit Bench at Dharwad]

SUBHASH LAXMAN TIPARADDI . & ANR. Petitioner(s)

VERSUS

SRIDEVI . & ORS. Respondent(s)

Date : 27-11-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. S. N. Bhat, Sr. Adv.  
Mr. Shivam Tiwary, Adv.  
Ms. Parvati Bhat, Adv.  
Mr. Ramesh Kumar Mishra, AOR

For Respondent(s) Mr. Chandrashekhar A. Chakalabbi, Adv.  
Mr. S.k Pandey, Adv.  
Mr. Awanish Kumar, Adv.  
Mr. Anshul Rai, Adv.  
Ms. G. Anusha, Adv.  
For M/S. Dharmaprabhas Law Associates, AOR

Mr. S N Bhat, Sr. Adv.  
Mr. Tarun Kumar Thakur, Adv.  
Mrs. Parvati Bhat, Adv.  
Mr. Abhay Choudhary M, Adv.  
Mr. Vivek Ram R, Adv.  
Ms. Anuradha Mutatkar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.  
The appeals are allowed in terms of the signed order.  
Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)  
COURT MASTER (SH)

(POONAM VAID)  
COURT MASTER (NSH)

(Signed order is placed on the file)