

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Civil Appeal No.2036 of 1996

Muthuammal &amp; Ors. Appellant (s)

Versus

Shanmuga Sundaran &amp; Ors.Respondent (s)

( With Office Report )

Dated:27/08/2003: This appeal was called on for hearing today.

CORAM

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s)Mr. S. Balakrishnan, Sr.Adv.  
M/s MKD Namboodri,S.Prasad,  
Abhay Kumar,Gopala Krishnan,Advs.For Respondent (s)Ms. Manika Pandey, Adv.  
Ms. KK. Mani, Adv.Dr. A.Francis Julian, Adv.  
Mr. Sumit Kumar, Adv. for  
M/s Arputham Aruna & Co.,Advs.UPON hearing counsel, the Court made the following  
O R D E R

After hearing learned counsel for the parties for about 20 minutes, the Court disposed of the appeal. Parties are left to bear their own costs.

(S. Thapar) (V.P. Tyagi)  
PS to Registrar Court Master

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2036 OF 1996

Muthuammal &amp; Ors. Appellant (s)

Versus

O R D E R

The challenge in this appeal is to the judgment and order of the High Court in regard to the inheritance of the properties in respect whereof the Suit, out of which this appeal has arisen, was filed by Respondent No.1 - son of Natarajan Chettiar. In the Original Suit, Natarajan Chettiar was defendant No.1. However, he died on 3rd August, 1988. The suit for partition had been filed by Respondent No.1 being the son of Natrajan Chettiar from second wife. The other son from the first wife was supporting his sisters. Natarajan Chettiar had, besides two sons and three daughters from the second wife and one daughter and one son from the first wife. All the three daughters from the second wife are married. Two of the daughters were, admittedly, married prior to the enforcement of Hindu Succession (Tamil Nadu Amendment) Act, 1989. The said Act came into force on 25th March, 1989. In respect of even the third daughter, namely, defendant No.5 in the Suit, there is nothing on record to establish that she was unmarried at the commencement of the aforesaid Amendment Act. The main controversy in the present appeal is regarding the right of inheritance of the daughters. The daughters other than defendant No.7, looking to the matter from any angle, had no right.

Insofar as defendant No.7 being crippled and unmarried daughter of Natarajan Chettiar is concerned, the two settlement deeds Ext. B-5 and Ext. B-12 were in her favour. Having heard learned counsel for the parties and having regard to the legal and factual position, we see no ground why the said daughter should have only life interest in the properties covered by the two deeds viz. Ext. B-5 and Ext. B-12. It is evident that her life interest would get converted into the absolute interest in the properties covered by the said deeds. In this view, we allow the appeal to this limited extent and maintain the impugned judgment in all other respects. The appeal is disposed of in the above terms. The parties are left to bear their own costs.

.....J  
(Y.K. Sabharwal)

.....J  
(B.N. Agrawal)

New Delhi,  
August 27, 2003