

grandchildren were entitled to inherit the property.

The learned Single Judge of the High Court referred to various paragraphs of the settlement deed, the judgment of the High Court in Chikkaraj v. K.N. Viswanathan AIR (1979) Madras 103 and held that the female heirs of the deceased did not get right to inherit the property.

We have heard learned counsel for the petitioners and carefully perused the record. Paragraphs 1 to 3 of the settlement deed executed by P. Laxmi Ammal read as under:

"This Deed of Settlement is executed on the 4th day of November, 1946 by P. Laxmi Ammal, Saurashtra Brahmin by caste, wife of Balarama Iyer, resident of Thirumalai Nambi Street, Kumbakonam to and in favour of my daughter R. Kuppammal, wife of K. Rama Iyer, resident of Bheeman Koil Street, Kumbakonam.

As you are my eldest daughter and you do not have your own house therefore in order to help you and your family to live in my house I hereby settle the house valued at Rs. One thousand purchased by me out of my own funds under Sale Deed dated 30.08.1943 to you. You can take possession of the property and from this day you can enjoy the property with all rights of ownership.

In case if you do not alienate the property during your life time and die then after your death the house will go to your children who are my

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grandsons by name Krishna Iyer, Balaramachari and Venkatachari. They have no right of alienation but can enjoy the property during their life time. After them the property will go the male descendants of my grandchildren. If any of your sons die during your life time, the male children of your son die early will get 1/3rd share of this property absolutely. Suppose if he has no male children then his wife will have life interest and after her life time, the said 1/3rd share will go to the other male children will get this house equally with full rights of ownership. After your death, your sons have no right to create any encumbrance in the house. If they create any such encumbrance they are not valid. The municipal taxes for this house are to be paid by you. I have no right in the below mentioned property. There is no encumbrance in the property. I have given all parent documents along with the Settlement Deed."

A reading of the above extracted portions of the settlement deed leaves no manner of doubt that there was no repugnancy between paragraphs 2 and 3. In terms of paragraph 2, R. Kuppammal was entitled to enjoy the property absolutely during her life time but

after her death the same was devolve in accordance with paragraph 3 of the settlement deed. Therefore, we do not find any valid ground or justification to interfere with the impugned judgment.

The special leave petition is accordingly dismissed. As a sequel to this, the applications for condonation of 407 days' delay in filing the special leave petition and 39 days' delay in refiling the special leave petition are also dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master