

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NO(S).8076-8077 OF 2018
[ARISING OUT OF SPECIAL LEAVE PETITION
(CIVIL) NO.24201-24202 OF 2014]**

RANGAPPA . . . APPELLANT(S)

VERSUS

THIPPESWAMY & ORS. . . RESPONDENT(S)

ORDER

1. Leave granted.
2. One Rangamma and Odo Nagappa had two daughters Nagamma and Muddamma. Nagamma, who is represented by her legal representatives and her son Thippeswamy are the respondents in the present appeals whereas one Sri Rangappa s/o Kurilingappa who purchased the suit property from Rangappa @ Bodappa, the husband of the

other daughter Muddamma is the appellant herein.

3. The purchaser of the suit property i.e. the appellant herein instituted Original Suit No.163 of 2002 seeking a declaration of title and permanent injunction. The respondents herein also instituted Original Suit No.8 of 2004 seeking a similar relief of declaration of title.

4. The learned trial Court decreed Original Suit No.163 of 2002 filed by the appellant herein and dismissed Original Suit No.8 of 2004 filed by the respondents herein. The First Appellate Court affirmed the said decrees. The High Court in Second Appeals preferred by the respondents had reversed the decree passed in Original Suit No.163 of 2002 filed by the appellant and

decreed the Original Suit No.8 of 2004 filed by the respondents herein. Hence the present appeals.

5. The point in issue is short and precise. Whether on the death of Odo Nagappa sometime in the year 1950 his wife Rangamma became an absolute owner of the property to be competent to execute two gift deeds dated 9th April, 1954 in favour of her two daughters Nagamma and Muddamma.

6. We have been taken through the provisions of Section 4 and 10 of the Mysore Hindu Law Women's Rights Act, 1933 [subsequently known as "Karnataka Hindu Law Women's Rights Act, 1933" by way of amendment by Mysore State (Alteration of Name) Act, 1973 (31 of 1973)]. Reading the aforesaid provisions conjointly we find that under Section 10 the suit property

that came to Rangamma on the death of her husband Odo Nagappa was Stridhana property and by virtue of Section 11 of the said Act the aforesaid person i.e. Rangamma became the absolute owner of such property with unrestricted powers of enjoyment and disposition. If that is so, she was undoubtedly competent to execute the gift deeds in question dated 9th April, 1954 by virtue of which Muddamma became the absolute owner of half of that property. On her death (i.e. Muddamma's death) i.e. on 7th May, 1997 her husband Rangappa @ Bodappa would become the absolute owner and would, therefore, be competent to transfer the property by way of sale deed in favour of the appellant - Sri Rangappa s/o Kurilingappa.

7. The provisions of Section 15(2)(a) of the Hindu Succession Act, 1956 which has

been invoked by the High Court to reverse the decree in question, in our considered view, was not at all applicable inasmuch as Section 15(2)(a) of the Hindu Succession Act, 1956 deals with the line of succession in case of property inherited by a female Hindu. In the present case, Muddamma had not inherited any property but what she had acquired is an absolute right to the suit property by way of the gift deed dated 9th April, 1954. On her death, the property would, therefore, not vest in terms of Section 15(2)(a) of the Hindu Succession Act, 1956 but would go to her husband who would be competent to transfer the same in favour of the present appellant.

8. On the aforesaid basis, we find the order of the High Court to be flawed and, accordingly, liable to be set aside which we hereby do. The decree passed by the

learned trial Court as affirmed by the
First Appellate Court is restored. The
appeals are accordingly allowed.

....., J.
(RANJAN GOGOI)

....., J.
(NAVIN SINHA)

....., J.
(VINEET SARAN)

NEW DELHI
AUGUST 07, 2018

ITEM NO.8

COURT NO.2

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). 24201-24202/2014

(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 20-12-2013 IN RSA NO. 25/2009 C/W 26/2009 PASSED BY THE HIGH COURT OF KARNATAKA AT BENGALURU)

RANGAPPA

PETITIONER(S)

VERSUS

THIPPESWAMY & ANR.

RESPONDENT(S)

Date : 07-08-2018 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s)

Mr. Manjunath Meled, Adv.
Ms. Vijayalaxmi, Adv.
Mr. Anil Kumar, AOR

For Respondent(s)

Mr. Ashwin V. Kotemath, Adv.
Ms. Christi Jain, Adv.
Ms. Kanika, Adv.
Ms. Priyal Jain, Adv.
Mr. Harsh Jain, Adv.
Mrs. S. Usha Reddy, AOR

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

The appeals are allowed in terms of the signed
order.

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]