SUMMARY OF PAPERS ON THE SUBJECT OF RECENT POSITION OF HINDU LAW ON PARTITION

1] The Hindu Succession Act, 1956 relates to intestate succession among Hindus. Question arises to whom, Hindu Succession Act (for short 'Act 1956') is applicable. It is applicable to Hindus, Buddhists, Jainas and Shikkhs by religion. But, “Act 1956” is not applicable to Muslims, Parsi, Christian or Jew.

2] “Succession” means the act of getting a title or right after the person who had that title or right before he had died. There is difference between 'succession' and 'inheritance'. **Succession** refers to the subsequent heir to the preceding heir or the deceased individual, while **inheritance** refers to someone who acquires the interest/property either by Will of testator or in case dies intestate, then his properties devolves automatically by operation of law to another persons by virtue of certain relation.

3] Now recent Hindu Law on partition has been developed substantially. For realizing its importance, one has to look into the previous law, which were in existence, prior to enacting “Act 1956”. Initially, in British India, under East India Company Rule, **The Caste Disabilities Removal Act, 1850** was enacted, which had abolished all laws affecting the rights of people converting to another religion and caste. Such Act had enabled a convert from Hinduism to other religion to inherit the property of his father. The purpose of this Act/Law was to preserve the inheritance rights of the converts in their ancestral property. Such Act had provided that the convert to any religion would inherit as though he had not converted, while the heirs to his property

would be determined by the succession laws of his new religion. However, this “Act 1850” has been repealed in 2018. In such situation, question arises that what would be the claim over property of a Hindu converted to another religion. In this context, important provision is there in “Act 1956” and it is Section 26. Section 26 is reproduced as under-

> *“26. Convert's descendants disqualified:- Where, before or after the commencement of this Act, a Hindu has ceased or cases to be a Hindu by conversion to another religion, children born to him or her after such conversion and their descendants shall be disqualified from inheriting the property of any of their Hindu relatives, unless such children or descendants are Hindus at the time when the succession opens.”*

In a judgment **Balchand Jairamdas Lalwant Vs. Nazneed Khalid Qureshi, AIR 2018 Bom.103**. Facts were that Hindu was converted to Islam. Hon'ble Bombay High Court has observed that-

> *“19. The right to inheritance is not a choice, but it is by birth and in some case by marriage, it is acquired. Therefore, renouncing a particular religion and to get converted is a matter of choice and cannot cease relationship which are established and exist by birth. Therefore, a Hindu convert is entitled to his/her father's property, if father died intestate.”*

4] Prior to “Act 1956”, “**Hindu Widow Remarriage Act 1856**” (“Act 1856”) was also in existence. As per this Act 1856, if Hindu widow performs re-marriage, then her right was used to be deprived of from the properties of her husband. Section 2 of Act 1856 was there which reads as under-

> “**2. Rights of widow of deceased husband's property to cease on her re-marriage**- *All rights and interests which any widow may have in her deceased husband's property by*

> *way of maintenance or by inheritance to her husband or to his lineal successors or by virtue of any Will or testamentary disposition conferring upon her, without express permission to remarry, only a limited interest in such property, with no power of alienating the same, shall upon her re-marriage cause and determine as if she had then died, and the next heirs of her deceased husband or other persons entitled to the property on her death, shall thereupon succeed the same.*"

Above **Section 2** of **Hindu Widow Remarriage Act** has been **deleted** on 31.8.1983. **Section 24** of "Act 1956" has been also **deleted with effect from 9.9.2005**. New Act i.e. "**Hindu Widows Remarriage and Property Act, 1989** " has been enacted to support the widows remarriage and support them legally. In the judgment **Jaywantabai Vs. Sunanda, Second Appeal No.144/2007 decided by Hon'ble Bombay High Court on 23.8.2021,** facts were that deceased husband died on 19.4.1991. His widow Sunanda remarried after opening of succession. In such scenario, it was held that defendant Sunanda, after remarriage also entitled to claim share in the property of deceased husband.

5] Initially, widow had no right of succession or inheritance in the properties of her husband, in case, she has son, grand-son, great grand-son. Thereafter, **Hindu Woman's Right to Property Act** had been enacted in 1937. Such Act enabled the widow to succeed along with son and to take a share equal to that of son. The widow was entitled only to a limited estate in the property of deceased with a right to claim partition. A daughter had virtually no inheritance rights. Widow was only entitled to enjoy the property of deceased till she was alive. After her death, that property was used to be devolved to the relatives of her deceased husband. In case of her re-marriage, she was not entitled to inherit the properties of her deceased husband and that property of

deceased was used to be devolved to the relatives of her deceased husband. Widow had no right to transfer property by way of gift, donation, mortgage. As such, she had limited rights in the properties of her deceased husband.

6] Prior to Hindu Womans Right to Property Act, 1937, **Hindu Law of Inheritance Amendment Act, 1929** was also in existence. The Hindu Law of Inheritance (Amendment) Act 1929 was the first legislation which had properly dealt with inheritance among Hindus and added the son's daughter, the daughter's daughter and the sister in the rank of heirs in all parts of India which were under Mitakshara Law.

7] From above discussion, it is manifest that, prior to enacting "**Hindu Succession Act, 1956**", prominently, there were four Acts which were in existence. Those are-

A] Caste Disabilities Removal Act, 1850,

B] Hindu Widows Remarriage Act,1856,

C] Hindu Law of Inheritance Amendment Act,1929,

D] Hindu Woman's Right to the Property Act,1937.

8] In order to bring uniformity in the law relating to inheritance, Hindu Succession Act has been enacted in 1956. It was enacted to amend and codify the law relating to intestate or unwilled succession, among Hindus, Buddhists, Jains and Sikhs. This Act lays down a uniform and comprehensive system of inheritance and succession into one Act.

9] In addition to Hindus, Buddhists, Sikhs and Jains by

religion, in Section 2 of "**Act 1956**" regarding applicability of such Act describes that- *Such Act is applicable to (a) any child, legitimate, or illegitimate, both of whose parents are Hindus, Buddhist, Jain or Sikh by religion, (b) any child, legitimate or illegitimate one of whose parents is a Hindu, Buddhist, Jain or Sikh by religion and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged (c) any person who is a convert or re-convert to Hindu, Buddhist, Jain or Sikh religion.*

10] However, Section 2 of the "Act 1956" is not applicable to any Scheduled Tribes covered under the meaning of Article 366 of the Constitution, unless otherwise directed by the Central Government by Notification in the official Gazette.

11] Recently, Hon'ble Apex Court by its judgment passed on **December 9, 2022**, in a case **Kamla Neti (Dead) through L.Rs. Vrs. The Special Land Acquisition Officer and others, Civil Appeal No.6901 of 2022**, recorded important findings regarding Section 2(2) of Hindu Succession Act in para No.6, which is re-produced as under-

> *"6. A short question which is posed for consideration of this Court is whether the appellant/petitioner being the daughter is entitled to the share in the compensation with respect to the land acquired, on survivorship basis under the provisions of Hindu Succession Act ? At the outset, it is required to be noted that the appellant belongs to tribal community and is a member of Scheduled Tribe.* ***As per Section 2(2) of the Hindu Succession Act, the Hindu Succession Act will not be applicable to the members of the Scheduled Tribe****. Therefore, as such as rightly observed by the High Court the appellant cannot claim any right of survival under the provisions of the Hindu Succession Act. Therefore, so long as Section 2(2) of the*

Hindu Succession Act stands and there is no amendment, the parties shall be governed by the provisions of Section 2(2) of the Hindu Succession Act. Therefore, though on equity we may be with the appellant being daughter and more than approximately 70 years have passed after the enactment of the Hindu Succession Act and much water has flown thereafter and though we are prima facie of the opinion that not to grant the benefit of survivorship to the daughter in the property of the father can be said to bad in law and cannot be justified in the present scenario, unless Section 2(2) of the Hindu Succession Act is amended, the parties being member of the Scheduled Tribe are governed by Section 2(2) of the Hindu Succession Act. ***It is observed and held by this court in the case of Mohan Koikal (supra) that when there is a conflict between the law and equity, the law would prevail. Equity can only supplement the law.*** *There is a gap in it but it cannot supplant the law."*

Para 6.1 reads as under-

"6.1. If the claim of the appellant on the basis of the survivorship under the Hindu Succession Act is accepted in that case it would tantamount to amend the law. ***It is for the legislature to amend the law and not the Court***."

12] As per Section 5 of the "Act 1956", any property whose succession comes under the regulation of Indian Succession Act, 1925 by reasons of the provision under Section 21 of the Special Marriage Act 1954. Section 21 of Special Marriage Act states that succession to the property of any person whose marriage is solemnized under this Act and the property of the issue of such marriage shall be governed by the Special Marriage Act.

13] Important feature of Act 1956 is also that its **overriding effect has been given under Section 4**. It abrogates all the earlier laws, customs, rules etc. that were applicable to Hindu with respect to

succession. Any Act or law that is inconsistent with the provisions of this Act will be ineffective.

14] "Act 1956" dealt with intestate succession, rights, duties of sons and daughters etc. It provided a detailed frame work on inheritance of sons, daughters etc. Section 6 of said "Act 1956" is significant one.Section 6 of "Act 1956" provided for the devolution of interest in coparcenary property. Section 6 of "Act 1956" reads as under-

> *"**6. Devolution of interest in corparcenary property**- When a male Hindu dies after the commencement of this Act, having at the time of his death an interest in a Mitakashra corparcenary property, his interest in the property shall devolve by survivorship upon the surviving members of the corparcenary and not in accordance with this Act:*
>
> *Provided that, if the deceased had left him surviving a female relative specified in class I of the Schedule or a male relative specified in that class who claims through such female relative, the interest of the deceased in the Mitakshara corparcenary property shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship.*
>
> ***Explanation 1**- For the purposes of this section, the interest of a Hindu Mitakshara corparcener shall be deemed to be the share in the property that would have been allotted to him if a partition of the property had taken place immediately before his death, irrespective of whether he was entitled to claim partition or not.*
>
> ***Explanation 2**- Nothing contained in the proviso to this section shall be construed as enabling a person who has separated himself from the corparcenary before the death of the deceased or any of his heirs to claim on intestacy a share in the interest referred to therein."*

Coparcenary means- the eldest member of Hindu Undivided Property and following three generations constitute a coparcenary under the Hindu Law. It means the list of coparceners in a coparcenary is made

of the head of the family and Karta along with his sons, grand-sons and great grand-sons.

15] As per Section 6 of Act 1956, if a person dies intestate i.e. without making a Will, his inheritance in coparcenary property would be governed and **devolved according to the rule of survivorship and not of succession**. It further states that if a person who died intestate, left female heirs mentioned in Class I, then rules of succession would be applicable, which means that rule of survivorship was not applicable to female heirs nor did they inherit property if male heirs were present.

16] According to Hindu Succession Act 1956, only male members i.e. sons were coparceners. Daughters were not treated as coparceners. As such, there was great gender discrimination. Therefore, in order to remove such gender discrimination, **Hindu Succession (Amendment) Act, 2005** has been enacted on 5th September, 2005. **It has come into force on 9th September 2005**. It has created history in the terms of woman's right to the property under Hindu Law. Section 6 of the Hindu Succession Act, 1956 which deals with coparcenary right in the HUF property, was amended in 2005. After amendment, Section 6 read as under-

> *"**6. Devolution of interest in coparcenary property**-(1) On and from the commencement of the Hindu Succession (Amendment) Act, 2005, in a Joint Hindu family governed by the Mitakshara law, the daughter of a coparcener shall-*
>
> *(a) by birth become a coparcener in her own right in the same manner as the son;*
>
> *(b) have the same rights in the coparcenary property as she would have had if she had been a son;*
>
> *(c) be subject to the same liabilities in respect of the said coparcenary property as that of a son, and any*

reference to a Hindu Mitakshara coparcener shall be deemed to include a reference to a daughter of a coparcener:

Provided that nothing contained in this sub-section shall affect or invalidate any disposition or alienation including any partition or testamentary disposition of property which had taken place before the 20th day of December, 2004.

(2) Any property to which a female Hindu becomes entitled by virtue of sub-section (1) shall be held by her with the incidents of coparcenary ownership and shall be regarded, notwithstanding anything contained in this Act, or any other law for the time being in force, as property capable of being disposed of by her by testamentary disposition.

(3) Where a Hindu dies after the commencement of the Hindu Succession (Amendment) Act,2005, his interest in the property of a Joint Hindu family governed by the Mitakshara law, shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship, and the corparcenary property shall be deemed to have been divided as if a partition had taken place and,-

(a) the daughter is alloted the same share as is alloted to a son;

(b) the share of the pre-deceased son or a pre-deceased daughter, as they would have got had they been alive at the time of partition, shall be allotted to the surviving child of such pre-deceased son or of such pre-deceased daughter; and

(c) the share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter, as such child would have got had he or she been alive at the time of the partition, shall be allotted to the child of such pre-deceased child of the pre-deceased son or a pre-deceased daughter, as the case may be.

Explanation- For the purposes of this sub-section, the interest of a Hindu Mitakshara coparcener shall be deemed to be the share in the property that would have been alloted to him if a partition of the property had taken place immediately before his death, irrespective of whether he

was entitled to claim partition or not.

(4) After the commencement of the Hindu Succession (Amendment) Act, 2005, no Court shall recognise any right to proceed against a son, grandson or great-grandson for the recovery of any debt due from his father, grandfather or great-grandfather solely on the ground of the pious obligation under the Hindu law, of such son, grandson or great-grandson to discharge any such debt:

Provided that in the case of any debt contracted before the commencement of the Hindu Succession (Amendment) Act, 2005, nothing contained in this sub-section shall affect-

(a) the right of any creditor to proceed against the son, grand/son or great-grandson, as the case may be; or

(b) any alienation made in respect of or in satisfaction of, any such debt, and any such right or alienation shall be enforceable under the rule of pious obligation in the same manner and to the same extent as it would have been enforceable as if the Hindu Succession (Amendment) Act, 2005 had not been enacted.

Explanation*- For the purposes of clause (a), the expression "son", "grandson" or "great-grandson" shall be deemed to refer to the son, grandson or great-grandson, as the case may be, who was born or adopted prior to the commencement of the Hindu Succession (Amendment) Act, 2005.*

(5) Nothing contained in this section shall apply to a partition, which has been effected before the 20th day of December,2004.

Explanation*- For the purposes of this section "partition" means any partition made by execution of a deed of partition duly registered under the Registration Act, 1908 (16 of 1908) or partition effected by the decree of a Court."*

Under the Amendment Act 2005, **the daughter of coparcener shall by birth become a coparcener in her own right in the same manner as the son**. The daughter shall now have the same rights in the coparcenary property as a son. Thus, the Hindu Succession Act 1956 was amended in 2005, allowing daughters an equal share in ancestral

property. This Amendment Act 2005 also **repeals Section 23 of the Hindu Succession Act which disentitled a female heir to ask for partition in respect of a dwelling house, wholly occupied by a joint family, until the male heirs chooses to divide their respective shares. Section 24 of the Hindu Succession Act which denied rights of a widow to inherit her husband's property upon her re-marriage has been repealed**.

17] After enactment of Hindu Succession Amendment Act 2005, there were conflicting judicial pronouncement of Hon'ble Apex Court relating to Section 6 of Act 2005. The question concerning the interpretation of Section 6 of the Hindu Succession Act, 1956 as amended by Hindu Succession (Amendment) Act, 2005 has been referred to a larger Bench in view of the conflicting verdicts rendered in two Division Bench Judgments of this Court in **Prakash & Others Vrs. Phulavati & Others, 2016(2) SCC 36** and **Danamma @ Suman Surpur & Anr Vs. Amar & Others (2018) 3 SCC 343**.

18] In **Phulavati's** case, it is held that-

A] Section 6 is not retrospective in operation and it applies, when both corparceners and his daughter were alive on the date of commencement of Amendment Act, 9.9.2005.

B] The provisions contained in explanation to Section 6(5) provides for the requirement of **partition** for substituted Section is to be **registered** one or **by a decree of Court**, can have no application to a statutory notional partition on the opening of succession as provided in unamended Section 6.

C] The notional statutory partition is deemed to have taken place to

ascertain the share of the deceased coparcener which is not covered either under the proviso to Section 6(1) or 6(5) including its explanation.

D] The registration requirement is inapplicable to partition of property by operation of law, which has to be given full effect.

E] The provision of Section 6 have been held to be prospective.

19] In **Danamma's Case**, it is held that-

A] Amended provisions of Section 6 confer full rights upon the daughter coparcener.

B] Any coparcener, including a daughter, can claim a partition in coparcenary property.

C] "G" died in the year 2001, leaving behind two daughters, two sons and a widow.

D] Coparcener's father was not alive, when the substituted provision of Section 6 came into force.

E] The daughters, sons and the widow were given 1/5th share apiece.

20] In **Vineeta Sharma's Case**, it has been observed in Para 106-

> *"Hence, we have no hesitation to reject the effect of statutory fiction of proviso to Section 6 as discussed in Prakash Vs. Phulavati Case and Danamma's Case.* ***If daughter is alive on the date of enforcement of Amendment Act, she becomes coparcener with effect from the date of the Amendment Act, irrespective of the date of birth earlier in point in time****."*

21] Hon'ble Apex Court has in **Vineeta Sharma's Case** answered the reference in following manner-

A] The provisions contained in substituted Section 6 of the Hindu

Succession Act, 1956 confer status of coparcener on the daughter born before or after the amendment in the same manner as son with same rights and liabilities.

B] The rights can be claimed by the daughter born earlier with effect from 9.9.2005 with savings as provided in Section 6(1) as to the disposition or alienation, partition or testamentary disposition which had taken place before the 20th day of December 2004.

C] Since the right in coparcenary is by birth, it is not necessary that father coparcener should be living as on 9.9.2005.

D] The statutory fiction of partition created by the proviso to Section 6 of the Hindu Succession Act, 1956 as originally enacted did not bring about the actual partition or disruption of coparcenary. The fiction was only for the purpose of ascertaining share of deceased coparcener, when he was survived by a female heir, of Class I as specified in the Schedule to the 1956 Act or male relative of such female. The provisions of the substituted Section 6 are required to be given full effect. Notwithstanding that a preliminary decree has been passed, the daughters are to be given share in corparcenary equal to that of a son in pending proceedings for final decree or in an appeal.

E] In view of the rigour of provisions of the Explanation to Section 6(5) of the 1956 Act, a plea of oral partition cannot be accepted as the statutory recognised mode of partition effected by a deed of partition duly registered under the provisions of the Registration Act, 1908 or effected by a decree of a court. However, in **exceptional cases where plea of oral partition is supported by public documents and partition is finally evinced in the same manner as if it had been affected by a decree of a court, it**

may be accepted. A plea of partition based on oral evidence alone cannot be accepted and to be rejected outrightly.

22] Now turning to the Section 8 of Hindu Succession Act. It reads as under-

> *"**8. General rules of succession in the case of males**:- The property of a male Hindu **dying intestate** shall devolve according to the provisions of this Chapter,-*
>
> *(a) firstly, upon the heirs being the relatives specified in Class I of the Scheduled ;*
>
> *(b) secondly, if there is no heir of Class I, then upon the heirs being the relatives specified in Class II of the Schedule;*
>
> *(c) thirdly, if there is no heir of any of the two classes, then upon the agnates of the deceased ; and*
>
> *(d) lastly, if there is no agnate, then upon the cognates of the deceased."*

23] Relating to Section 8 of Hindu Succession Act, judgment of Hon'ble Apex Court- **Commissioner of Wealth Tax Vs. Chander Sen, (1986) 3 SCC 567** is significant one. In the said judgment, following three questions were involved-

1) Whether in view of the provisions of the Hindu Succession Act,1956, the income from assets inherited by a son from his father from whom he had separated by partition could be assessed as the income of the Hindu undivided family of the son ?

2) Whether the income or asset which a son inherits from his father when separated by partition the same should be assessed as income of the Hindu undivided family of son or his individual income ?

3) What is the effect of Section 8 of the Hindu Succession Act, 1956 ?

Hon'ble Apex Court has recorded following observations-

A) It is clear that under the Hindu law, the moment a son is born, he gets a share in the father's property and becomes part of the coparcenary. His right accrues to him not on the death of the father or inheritance from the father, but with the very fact of his birth. Normally, therefore, whenever the father gets a property from whatever source from the grand-father or from any other source, be it separate property or not, his son should have a share in that and it will become part of the joint Hindu family of his son and grandson and other members who form joint Hindu family with him.

B) In view of the preamble to the Act i.e. that to modify where necessary and to codify the law, in our opinion, it is not possible, when Schedule indicates heirs in Class I and only includes son and does not include son's son, but does include son of a predeceased son, to say that when son inherits the property in the situation contemplated by Section 8, he takes it as Karta of his own undivided family. **The Gujrat High Court's view noted above**, if accepted, would mean that though the son of a predeceased son and not the son of a son who is intended to be excluded under Section 8 to inherit, the latter would by applying the old Hindu law get a right by birth of the said property contrary to the scheme outlined in Section 8. Furthermore, **as noted by the Andhra Pradesh High Court** that the Act makes it clear by Section 4 that one should look to the Act in case of doubt and not to the pre-existing Hindu law. It would be difficult to hold today the property which devolved on a Hindu under Section 8 of the Hindu Succession Act would be HUF in his hand vis-a-vis his own son; that would amount to creating two classes among the heirs mentioned in Class I, the male heirs in whose hands it will be joint Hindu family property and vis-a-vis son and female heirs

with respect to whom no such concept could be applied or contemplated. It may be mentioned that heirs in Class I of Schedule under Section 8 of the Act included widow, mother, daughter of predeceased son etc.

C) The express words of Section 8 of the Hindu Succession Act, 1956 cannot be ignored and must prevail. The preamble to the Act reiterates that the Act is, inter alia, to “amend” the law, with that background the express language which excludes son's son, but includes son of a predeceased son cannot be ignored.

24] In the light of above observations, Hon'ble Apex Court has answered above-referred questions involved in the case in following manner-

A) In view of the provisions of the Hindu Succession Act, 1956, the income from assets inherited by a son from his father from whom he had separated by partition could not be assessed as the income of the Hindu undivided family of the son.

B) The income or asset which a son inherits from his father when separated by partition, the same should be assessed as income as his individual income.

C) The son as heir of Class I of the Schedule inherits the property, he does so in his individual capacity and not as Karta of his own undivided family.

25] Touching to the subject of workshop, question also arises up to which stage, suit can be stated to be continued, particularly in the suit for partition. In this context, judgment reported in **Ganduri Koteshwaramma Vs.Chakiri Yanadi, (2011) 9 SCC 788** is significant

one. Hon'ble Apex Court has observed that-

> *"30. A preliminary decree determines the rights and interests of the parties. The suit for partition is not disposed of by passing of the preliminary decree. It is by a final decree that the immovable property of joint Hindu family is partitioned by metes and bounds. After the passing of the preliminary decree, the suit continues until the final decree is passed."*

26] Section 14 of Hindu Succession Act, 1956 is also important one. By way of such provision, **female Hindu has become absolute owner of property which she possesses**. Such provision reads as under-

> *"**14. Property of a female Hindu to be her absolute property**- (1) Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner.*
>
> ***Explanation** - In this sub-section "property" includes both movable and immovable property acquired by a female Hindu by inheritance or devise, or at a partition, or in lieu of maintenance or arrears of maintenance, or by gift from any person, whether a relative or not, before, at or after her marriage, or by her own skill or exertion, or by purchase or by prescription, or in any other manner whatsoever, and also any such property held by her as stridhana immediately before the commencement of this Act.*
>
> *(2) Nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will or any other instrument or under a decree or order of a Civil Court or under an award where the terms of the gift, will or other instrument or the decree, order or award prescribe a restricted estate in such property."*

27] The amendment in Section 14 was intended by the legislature to clearly suggest that the limited ownership of a Hindu

female should be changed into full ownership. In other words, Section 14(1) of the Act contemplates that a Hindu female, who, in the absence of this provision, would have been limited owner of the property will now become full owner of the same by virtue of the Section. This object of the Section is to extinguish the estate called "**limited estate**" or 'widow's estate' in Hindu Law and to make a Hindu woman who under the old law would have been only a limited owner, a full owner of the property with all powers of disposition and to make the estate heritable by her own heirs and not revertible to the heirs of the last male holder. It does not in any way confer a title on the Hindu female where she did not in fact possess any vestige or title.

28] In the case of **Nazar Singh and Ors Vs. Jagjit Kaur and Ors, AIR 1996 Supreme Court 855**, the Hon'ble Supreme Court held that property given to a female Hindu in lieu of her maintenance by way of compromise which was given in her possession and enjoyment thereof from the date of compromise. In such circumstances, provision under Section 14(1) of the Hindu Succession Act will apply and not Section 14(2) of the said Act. Such female become absolute owner irrespective of several restrictive covenants accompanying grant.

CONCLUSION -

29] The general rules of succession regarding male can be seen in Sections 8,9 and 10 of this Act, whereas Section 15 deals with the succession about female Hindus. The basic object of the amendment to the Section 6 of the Hindu Succession Act is to achieve equal inheritance for all. Daughter whether married or unmarried of a coparcener in a Hindu joint family governed by Mitakshara Law now is coparcener by

birth in her own right in the same manner as a son, she has right of claim by survivorship and has same liabilities and disabilities as a son.

With this, paper work is concluded and same is being submitted with great respect.

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