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Shares of Parties through Partition of Joint Hindu Family Property become their Self-Acquired Properties: Supreme Court

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Introduction

The Supreme Court, in ***Angadi Chandranna v. Shankar & Ors***[1], set aside the judgment of the Karnataka High Court and clarified an important principle of Hindu law. It held that the mere presence of sons and daughters in a Joint Hindu Family does not, by itself, convert a father's separate or self-acquired property into joint family property.

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Brief Facts

- The dispute concerns a parcel of land bearing Survey No. 93, measuring 7 acres and 20 guntas, situated at Mahadevapura Village, Parashurampura Hobli, Challakere Taluk (hereinafter referred to as the "suit property").
- As per the chain of title, a Partition Deed dated 9 May 1986 was executed between C. Jayaramappa (Defendant No. 1) and his two brothers, C. Thippeswamy and Eshwarappa, through which the ancestral properties, including the suit property, were divided among them.
- Subsequently, C. Thippeswamy transferred his share in the suit property to C. Jayaramappa by way of a registered Sale Deed dated 16 October 1989. Thereafter, C. Jayaramappa sold the suit property to the Appellant, Angadi Chandranna, through a registered Sale Deed dated 11 March 1993.
- The Respondents, being the sons and daughters of C. Jayaramappa, instituted a suit (O.S. No. 169 of 1994) before the Trial Court seeking partition and separate possession of the suit property. By judgment and decree dated 21 December 2001, the Trial Court ruled in favour of the Respondents, holding that they were entitled to partition and separate possession of the property by metes and bounds.
- Aggrieved by this decision, the Appellant filed Regular Appeal No. 291 of 2002 before the First Appellate Court, which allowed the appeal on 21 February 2006 and set aside the Trial Court's judgment and decree, thereby ruling in favour of the Appellant.
- Dissatisfied with this outcome, the Respondents preferred Regular Second Appeal No. 1417 of 2006 before the High Court of Karnataka at Bengaluru. The High Court reversed the findings of the First Appellate Court and restored the position in favour of the Respondents. Consequently, by judgment dated 12 August 2021, the Appellant approached the Supreme Court, seeking a declaration that the suit property constituted the self-acquired property of C. Jayaramappa.

Appellant's Arguments

- The Appellant, Angadi Chandranna, contended that the High Court erred in concluding that C. Jayaramappa had acquired the suit property under a Will dated 18 December 1978 and had subsequently blended it with joint family property. It was argued that the property allegedly received under the Will was entirely distinct from the suit property. In fact, C. Jayaramappa had purchased the suit property independently, using his own funds along with a loan obtained from Narasimhamurthy.
- The Appellant further submitted that since C. Jayaramappa had validly acquired the property through purchase, it retained its character as self-acquired property. Consequently, when the Appellant purchased the suit property from him, it was not part of any joint family estate.
- Relying on the doctrine of blending, the Appellant argued that self-acquired property can become joint family property only when the owner voluntarily throws it into the common pool with a clear intention to relinquish exclusive ownership. In the present case, no such intention was demonstrated.
- It was also contended that the High Court exceeded its jurisdiction under Section 100 of the Civil Procedure Code, 1908 by treating a pure question of fact as a substantial question of law. The Appellant emphasized that interference in second appeal

is limited to legal errors or misapplication of law, and does not extend to reappreciation of evidence.

- Lastly, the Appellant pointed out that the Respondents had instituted the suit for partition and separate possession without seeking cancellation of the Sale Deed dated 16 October 1989, which further weakened their claim over the suit property.

Respondents' Arguments

- The Respondents contended that the character of ancestral property does not cease upon partition. According to them, such property continues to retain its ancestral nature for the male descendants, who acquire an interest in it by birth, regardless of whether they were in existence at the time of partition or born subsequently.
- It was further argued that C. Jayaramappa had alienated the suit property without any legal necessity and without obtaining the consent of the Respondents. On this basis, they claimed that the Sale Deed executed in favour of the Appellant was invalid and not binding on their rights.
- Additionally, the Respondents asserted that although C. Jayaramappa purchased the suit property through a Sale Deed dated 16 October 1989 for a consideration of ?15,000, the funds used for the purchase were not exclusively his own. They alleged that the purchase was made from the joint family nucleus, including:
  - income derived from the partitioned ancestral land,
  - ?10,000 received at the time of partition,
  - funds obtained by Mallamma (the grandmother) through sale of property, and
  - savings from labour work.
- On this basis, the Respondents maintained that the suit property was, in substance, ancestral in character and not the self-acquired property of C. Jayaramappa.

Judgment

- The Supreme Court in ***Angadi Chandranna v. Shankar & Ors***. clarified the limited scope of the High Court's jurisdiction in second appeals. It held that the High Court cannot function as a Trial Court or First Appellate Court while exercising powers under Section 100 of the Civil Procedure Code, 1908, except in circumstances strictly covered under Section 103. The power to reappreciate evidence primarily lies with the First Appellate Court under Section 96 CPC, and the High Court may interfere only in cases involving legal error, misapplication of law, or where findings are based on no evidence or inadmissible evidence.
- On facts, the Court noted that C. Jayaramappa had taken a loan in 1989, which he repaid in 1993 by selling 4 acres of his other land. The remaining amount was used for his daughter's marriage. The Court observed that such acts fall within the duties of a *karta* and constitute legal necessity.
- The Court further reiterated that once a partition takes place, each coparcener receives a definite and separate share, which thereafter assumes the character of self-acquired property. The holder of such property enjoys absolute rights, including the right to sell, transfer, or otherwise dispose of it.
- In light of these findings, the Supreme Court set aside the impugned judgment of the High Court and restored the judgment and decree of the First Appellate Court, thereby allowing the appeal.

Conclusion

The Hon'ble Supreme Court in ***Angadi Chandranna v. Shankar & Ors***. rejected the Respondents' contention that the suit property was ancestral in nature, noting the absence of credible evidence to support such a claim. The Court further reaffirmed that upon execution of a partition deed, the share allotted to each party assumes the character of self-acquired property, conferring full ownership rights, including the freedom to transfer or sell the property to third parties.

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1. Civil Appeal No. 5401 of 2025f the respective parties, holding rights to sell the property to a third party. ??

Frequently Asked Questions

> **Does a father's self-acquired property automatically become joint family property if he has sons and daughters?**

No. In Angadi Chandranna v. Shankar & Ors., the Supreme Court held that the mere presence of sons and daughters in a Joint Hindu Family does not, by itself, convert a father's separate or self-acquired property into joint family property.

When does property received in a partition become self-acquired?

Once ancestral or joint family property is divided through a partition, the share that falls to a person becomes his separate or self-acquired property in his hands, which he is free to deal with or transfer.

What did the Supreme Court decide in Angadi Chandranna v. Shankar?

The Court set aside the Karnataka High Court's judgment and ruled in favour of the purchaser, holding that the suit property was the self-acquired property of the seller and that his children could not claim partition of property he had validly sold.

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