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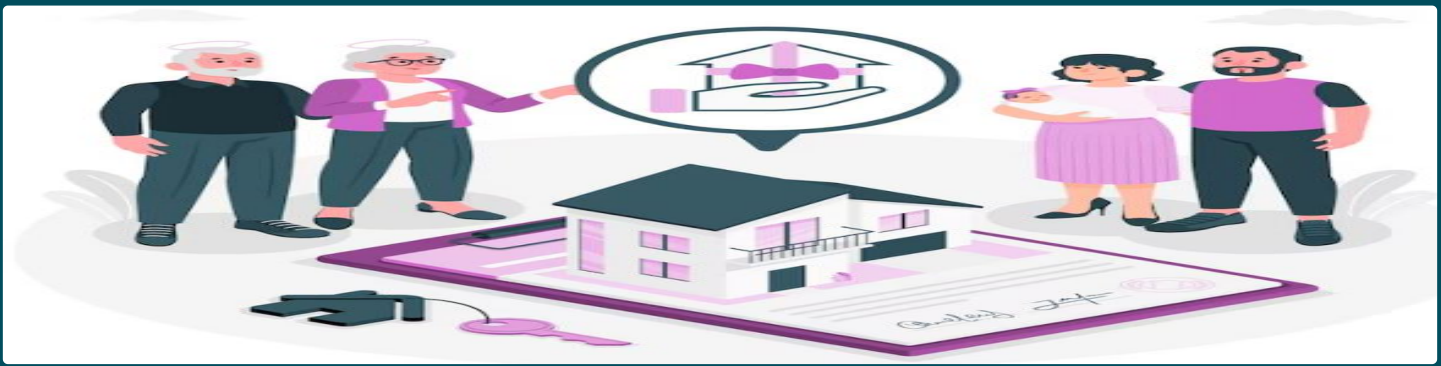

CIVIL

Sons And Daughters Don’t Inherit Father’s Self-Acquired Property By Default: SC

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Introduction

Clarifying the distinction between ancestral and self-acquired property in Hindu law, the Supreme Court of India has held that the mere existence of sons and daughters in a joint Hindu family does not ipso facto convert a father's separate or self-acquired property into joint family property. This important principle was reiterated in the case of Angadi Chandranna v. Shankar & Ors. (Civil Appeal No. 5401 of 2025) by a bench comprising Justices J.B. Pardiwala and R. Mahadevan.

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Background of the Case

- The dispute revolves around a 7-acre 20-gunta agricultural property located in Mahadevapura Village, Challakere Taluk, Karnataka.
- Originally, the property was part of a larger joint family estate owned by three brothers: C. Jayaramappa (Defendant No.1), C. Thippeswamy, and C. Eshwarappa.
- A registered partition deed was executed on May 9, 1986, distributing the ancestral properties among the brothers. The disputed property was allotted to C. Thippeswamy in the partition.
- On October 16, 1989, Thippeswamy sold the disputed property to his brother, C. Jayaramappa (Defendant No.1) through a registered sale deed.
- On March 11, 1993, Defendant No.1 sold the property to Angadi Chandranna (Appellant/Defendant No.2) via another registered sale deed.
- Jayaramappa's children (Respondents/Plaintiffs) filed a suit in 1994 (O.S. No.169/1994) seeking partition and separate possession, claiming the property was ancestral and they had coparcenary rights.
- The trial court decreed in favour of the plaintiffs; however, the First Appellate Court reversed this ruling, treating the property as self-acquired.
- The High Court of Karnataka reinstated the trial court's decision, which led the appellant to approach the Supreme Court.

Key Legal Issues

The core issue before the apex court was whether the suit property should be classified as ancestral or self-acquired. The plaintiffs argued that the property was purchased with family nucleus funds, while the defendants asserted it was bought using private funds and loans, thus making it self-acquired.

Procedural History and Prior Decisions

The trial court initially ruled in favour of the respondents, holding that they were entitled to partition and separate possession. However, the First Appellate Court overturned this decision, finding that the property was self-acquired and not ancestral. The High Court of Karnataka then reversed again, restoring the trial court's judgment through a second appeal. This prompted the appellant to approach the Supreme Court.

Supreme Court's Analysis

The Supreme Court began by expressing concern over the High Court's approach, observing that it had incorrectly re-appreciated evidence without framing any substantial question of law as required under Section 100 of the Code of Civil Procedure. The Court emphasized that a High Court's power to re-examine factual findings is limited to exceptional

circumstances under Section 103 of the CPC.

On the substantive issue, the Court clarified several important principles of Hindu law regarding property ownership:

1. **Partition Effects**: After a partition of joint family property, each party receives a separate and distinct share which becomes their self-acquired property, giving them absolute rights to sell, transfer, or bequeath it as they wish.
2. **Burden of Proof**: The Court reiterated that there is no presumption of property being joint family property merely because of the existence of a joint Hindu family. The person asserting that a property is joint family property bears the burden of proving this claim. The mere fact that a person has a family or lives in a joint family setup does not suffice.
3. **Nucleus Doctrine**: While acknowledging that if a person proves there was a "nucleus" with which joint family property could be acquired, the burden shifts to the person claiming self-acquisition to prove otherwise, the Court emphasized that such nucleus "has to be established as a matter of fact and the existence of such nucleus cannot normally be presumed or assumed on probabilities."
4. **Ancestral Property Definition**: For a property to be considered ancestral, it must be inherited from paternal ancestors up to three generations.
5. **Blending Doctrine**: The Court also clarified that for self-acquired property to be considered as having blended with joint family property, there must be clear evidence of voluntary action with an intention to abandon separate claims.

The Court's Verdict

Analyzing the evidence, the Supreme Court found that the respondents had failed to prove that the suit property was purchased using joint family funds. Instead, it accepted the appellant's evidence that Defendant No. 1 had acquired the property using a loan from a third party (which he later repaid by selling another piece of land).

The Court importantly stated: "The mere existence of sons and daughters in a joint Hindu family does not make the father's separate or self-acquired property as joint family property."

The Court also noted that the High Court had erroneously confused the suit property with another property received by Defendant No. 1 under a will, and had improperly applied the doctrine of blending.

Setting aside the High Court's judgment, the Supreme Court restored the First Appellate Court's decision that had recognized the property as self-acquired and the sale to the appellant as valid.

Implications of the Judgment

This judgment provides valuable clarification on several aspects of Hindu property law:

1. It reaffirms the distinction between ancestral and self-acquired property.
2. It places the burden of proof on those claiming that property is joint family property.
3. It clarifies that post-partition acquisitions are presumed to be self-acquired unless proven otherwise.
4. It highlights that children do not automatically gain rights in property merely by being members of the family.
5. It highlights that courts must carefully analyse the source of funds used for property acquisition before determining its nature.

The judgment is an important reminder that in property disputes, documentary evidence and clear establishment of the source of funds for acquisition play crucial roles in determining whether property is ancestral or self-acquired. For more details, write to us at: contact@indialaw.in