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Important Judgement for CLAT 2024 : Arunachala Gounder vs. Ponnusamy

Indrasish Majumder · 09 Mar 2023

Date of decision: January 20, 2022

Court: The Supreme Court of India

Bench: Justice S. Abdul Nazeer and Justice Krishna

Facts of the case

The matter before the Supreme Court was one where a Hindu man, Marappa Gounder, had a self-acquired property. Marappa Gounder died, leaving behind a daughter, Kupayee Ammal. Marappa Gounder also had a younger brother, one Ramasamy Gounder, who had predeceased him. The daughter, Kupayee Ammal, died childless, and the property was then acquired by the five heirs of her uncle (Ramasamy Gounder) in a share of 1/5th each. These five heirs were Guranatha Gounder (son of Ramasamy Gounder) and his four heirs (Defendant Nos. 1–4 herein).

Gunanatha Gounder's daughter Thangammal (Appellant) is one of his heirs. She went to the LD Trial Court to ask for a division of the property in question. The Trial Court decided that Marappa Gounder died on April 15, 1949, so the property would go to Ramasamy Gounder's only son by way of survivorship, and the Appellant had no right to file the suit for partition. The Trial Court, thus, dismissed the suit.

In its first appeal, the High Court of Judicature at Madras agreed with the findings of the Trial Court about when Marappa Gounder died. The High Court thus affirmed the decree dismissing the suit for partition, thereby opining that the property would in fact devolve by way of survivorship. Aggrieved by this dismissal of the suit for partition, the appellant approached the Supreme Court.

Issues

In this case, the Supreme Court had to decide if a father's only daughter could inherit his separate property if he died without a will/intestate (before the implementation of the Hindu Succession Act of 1956).

Judgement and Observations of the Supreme Court

The Supreme Court referred to customary Hindu law as well as judicial pronouncements and observed that the right of a widow or daughter to inherit the self-acquired property or share received in the partition of a coparcenary property owned by a Hindu male dying intestate is well recognised not only under the old customary Hindu law but also various judicial pronouncements.

The Apex Court ruled in August 2020 that daughters will have inheritance rights equal to those of their sons over the properties of their fathers, grandfathers, and great-grandfathers, right from the codification of the Hindu laws in 1956. On the contrary, this judgement restored the daughter's rights to the pre-1956 period, when male primacy was in vogue pertaining to inheritance of properties.

While referring to the ancient texts and Smritis, Justice Krishna Murari said that "it is clear that ancient texts as well as the Smritis, the commentaries written by various renowned learned persons, and even judicial pronouncements have recognised the rights of several female heirs, wives and daughters being foremost among them".

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