

Kailash Pati Devi vs Bhubneshwari Devi And Ors. on 18 July, 1984

Equivalent citations: AIR1984SC1802, (1985)1SCC405, 1984(16)UJ833(SC), AIR 1984 SUPREME COURT 1802, 1985 (1) SCC 405, 1984 UJ(SC) 833, (1985) 1 PUN LR 20

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Bench: Y.V. Chandrachud, Ranganath Misra, D.P. Madon

JUDGMENT

Y.V. Chandrachud, C.J.

1. The purchaser of joint family property from a member of a joint Hindu family may have the right to file a general suit for partition against the members of the joint family and, indeed, that may be the proper remedy for him to adopt to effectuate his purchase. But, that question is of academic importance here since it appears that the property involved in this suit, which was purchased by the appellant from one of the members of the joint Hindu family, is the only joint family property available for being partitioned. There are, therefore, no equities to be adjusted as between the parties. Accordingly, we agree with the concurrent findings recorded by the trial court, the District Court and the High Court and dismiss this appeal. There will be no order as to costs.