

Supreme Court of India

Ramachandra Pillai vs Arunschalathammal And Ors. on 20 February, 1970

Equivalent citations: (1971) 3 SCC 847

Bench: A G Shah, K Hegde

**JUDGMENT** The Text below is only a summarized version of the order pronounced The appellant had contended that under the Hindu Succession Act the respondent was not entitled to a share in the estate of Chidambarathammal. The claimants of the estate of Chidambarathammal fall within clause (4) in sub-section (1) of Section 15 and that the claimants to her estate fall within Class II, Item IV of the Schedule to the Act. The Supreme Court held in Satya Charan Dutta v. Urmilla Sundari Desai and Others that all heirs mentioned in an item of Class II of the Schedule take the property simultaneously and the heirs specified earlier in the same sub-item do not exclude those later in the sequence. Accordingly it was held that in the present case the descendants of the brothers of Shanmugam and of Ramalakshmi, his sister, take the estate in equal shares. The Supreme Court held that there was nothing in Rule 3 of Section 16 to support the contention that the estate of a person dying intestate was to be restored to the character, which it had when it devolved to the propositus. The court held that the contention that the property must be restored to the character of interest in coparcenary property and devolves under Section 6 had no substance. Accordingly, the appeal was dismissed.