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A.S.No222 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2026

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

A.S.No.222 of 2017

R.Palanisamy (Died)

2.Vasanthi

3.Gnana Sundari

4.Krishnamoorthy

... Appellants

(A1 died, A2 to A4 are brought on record as LR's of deceased first appellant viz., R.Palanisamy, vide order of Court dated 09.02.2023

Vs

1.Nach ammal (Died)

2.Rajathi

3.Shanthi

4.Balasubramaniam

5.Jayaprabha

6.Minor K.Uthara

7.Minor K.Mithra

... Respondents

(Minors represented by their mother and natural guardian Jayaprabha 5th respondent herein)

(R1 died. R5 to R7 are brought on record as LR's of the deceased first respondent vide Court order dated 13.06.2025 made in CMP.Nos.6370, 6378 & 6374 of 2024 in A.S.No.222 of 2017)

PRAYER: This First Appeal has been filed Under Section 96 of CPC read with Order XLI Rule 1 of CPC against the judgment and decree dated 05.01.2017 made in O.S.No.193 of 2015 on the file of II Additional District Cum Sessions Judge, Tiruppur.



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For Appellants : Mr.K.Govi Ganesan

For Respondents : R1 – Died

: Mr.V.Nicholas for RR2, 3, 5 to 7
(RR6 & 7 minors represented by R5)

: No appearance for R4 (served)

JUDGMENT

The present appeal has been made challenging the judgment and decree dated 05.01.2017 made in O.S.No.193 of 2015 on the file of II Additional District Cum Sessions Judge, Tiruppur

2. Heard, Mr.K.Govi Ganesan, learned counsel for the appellants and Mr.V.Nicholas, learned counsel appearing on behalf of the respondents 2, 3, 5 to 7.

3. Mr.K.Govi Ganesan, the learned counsel appearing for the appellant would submit that respondents 1 to 3 herein had originally instituted a suit seeking for partition over the suit scheduled property on the contention that the same is an ancestral property. The said suit was resisted by the appellant as also the fourth respondent contending that the suit scheduled property had come to the father of the parties by way of a

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partition between himself and his brothers and therefore, he becomes the absolute owner of the property and by application of the Hindu Succession Act, the plaintiff would only be entitled to 1/15th share each and that the appellant and the fourth respondent would be entitled to 6 (1/15th) share.

4. He would submit that the respondents 1 and 2 were also given in marriage by their father expending huge sum of money apart from being given gifts by way of *Srithanam*. He would submit that with regard to the suit scheduled property, monies have been expended for its development and improvement. He would submit that the Court below without considering all these factors had granted a decree of 3/5th share in the suit scheduled property in favour of the plaintiffs/ respondents. He would vehemently contend that the Court below had wholly erred in granting such a decree without considering the law of Succession and had also failed to see the law laid down in that regard both by this Court and the Hon'ble Apex Court. Hence, he seeks indulgence of this Court.

5. Countering his arguments Mr.V.Nicholas, learned counsel appearing on behalf of the respondents on the other hand would contend that the claim for partition of a daughter is no longer *res integra* and had



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been settled by the Hon'ble Apex Court in the judgment in the case of

Vineeta Sharma Vs Rakesh Sharma and Others reported in ***(2020) 9 SCC***

1. Hence, he would submit that there is no error in the judgment and decree which is sought to be interfered with. Hence, he prays this Court to dismiss the appeal.

6. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

7. Admittedly, the plaintiffs/ respondents 1 to 3 had filed a suit for partition of the property, of the suit scheduled property claiming that its their ancestral property. The nature of the property had not been disputed, but however it had only been contended that the plaintiffs were entitled to only 1/15th share each in the suit scheduled property. The claim of the daughter for equal share in the property pursuant to the amendments to the Hindu Succession Act 2005 has also been settled by the Hon'ble Apex Court in the judgment reported in ***(2020) 9 SCC 1*** on which reliance has been placed by the learned counsel for the respondent. As rightly pointed out by the learned counsel for the plaintiffs who are admittedly the sisters



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of the defendants are entitled to equal share in the property which they had inherited by application of the amended Hindu Succession Act which came into force in the year 2005 and also on the light of the judgment reported in **(2020) 9 SCC 1**.

8. For the aforesaid reasons, this Court do not find any reasons to interfere with the order impugned herein and accordingly, the Appeal suit stands dismissed. Consequently the connected miscellaneous petitions stands closed. However, there shall be no order as to costs.

02.03.2026

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Gba

To

Additional District Cum Sessions Court - II, Tiruppur



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K.KUMARESH BABU,J.

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