



RESEARCH QUESTION

"What are a daughter's rights in ancestral and coparcenary property after the Hindu Succession (Amendment) Act, 2005, what did *Vineeta Sharma v Rakesh Sharma* settle about retrospective application, and how do these rights apply when the father died before 2005?"

Daughter's Coparcenary Rights Under the Hindu Succession (Amendment) Act, 2005: Retroactivity and the Impact of the Coparcener Father's Death Pre-2005

TL;DR

The Hindu Succession (Amendment) Act, 2005 grants daughters equal coparcenary status by birth in Mitakshara joint family property. In *Vineeta Sharma v. Rakesh Sharma* (2020), the Supreme Court settled that this right has retroactive application, meaning a daughter acquires coparcenary status by birth even if she was born before the 2005 amendment. Crucially, the Court ruled that the coparcener father need not be alive on September 9, 2005, for the daughter to claim these rights, provided the ancestral property was not partitioned or alienated via a registered deed or court decree before the cutoff date of December 20, 2004.

VERIFIED CASES	STATUTES	LATEST RULING
25	1	2025
21 High Courts · 4 SC		Allahabad High Court

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I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 Inherent Status by Birth (Unobstructed Heritage)

A daughter becomes a coparcener by birth with equal rights and liabilities in the same manner as a son, creating an absolute right that is not based on inheritance but on the factum of birth itself as an unobstructed heritage. *Ganduri Koteshwaramma & Anr. v. Chakiri Yanadi & Anr.* (2011).

02 Existence of Living Father is Not a Prerequisite

Because coparcenary rights are acquired by birth, the daughter's rights are unaffected by whether her father was alive on the date of commencement of the 2005 amendment. *Yagnaseni Patel v. The General Manager, Mahanadi Coalfields Ltd.* (2023).

03 Strict Evidence and Mode of Concluded Partition

The statutory exception under Section 6(5) protects only partitions executed prior to December 20, 2004, through registered partition deeds or court decrees; oral partition claims must be rejected outright unless backed by public documents. *Chaitan Ram v. Iswar* (2024).

04 Benefit Extends to Heirs of Predeceased Daughters

Since the coparcenary right is retroactive and based on birth, even if a daughter passed away before the 2005 amendment, her surviving legal heirs cannot be denied the benefit of the amendment. *Channabasappa v. Parvatevva* (2023).

05 Preliminary Decree Does Not Bar Right Modification

A preliminary decree in a partition suit merely determines the shares and does not terminate the proceedings; hence, if final decree proceedings are pending, shares must be adjusted to give daughters their equal statutory shares. *Prasanta Kumar Sahoo & Ors. v. Charulata Sahu & Ors.* (2023).

HOW THE COURTS HAVE APPLIED THIS

**SUPREME COURT
POSITION**

The apex court has repeatedly applied these principles in pending partition suits, holding that daughters born before 2005 are equal coparceners and must be granted shares at par with sons because actual partition only concludes upon a final decree. *Danamma @ Suman Surpur & Anr. v. Amar and Ors.* (2018).

**HIGH COURT
VARIATIONS**

High Courts have consistently reversed lower court decrees that limited daughters to lesser shares on the erroneous ground that their fathers died prior to the 2005 amendment. *Rangammal v. Sundarambal* (2021).

UNSETTLED AREAS OR CAVEATS**Heirs of Daughters Deceased Pre-2005**

A notable tension exists between different High Courts regarding whether the legal heirs of a daughter who died *before* September 9, 2005, can claim coparcenary rights. While some decisions support their inclusion to prevent gender discrimination, other benches have held that a daughter must have been alive on September 9, 2005, to assert her rights, and the heirs of a daughter who died before the amendment do not get the benefit. *Kamlakar Purushotam Inamdar v. Rajani Shriram Madiwale* (2024).

II. Statutory Provisions 1 PROVISIONS

SECTION 6, HINDU SUCCESSION ACT, 1956 — DEVOLUTION OF INTEREST IN COPARCENARY PROPERTY

This section confers coparcenary rights on daughters of a Hindu Mitakshara coparcener by birth, giving them the same rights and liabilities as sons, while saving partitions and alienations made before December 20, 2004.

"On and from the commencement of the Hindu Succession (Amendment) Act, 2005, in a Joint Hindu family governed by the Mitakshara law, the daughter of a coparcener shall, (a) by birth become a coparcener in her own right the same manner as the son; (b) have the same rights in the coparcenary property as she would have had if she had been a son; (c) be subject to the same liabilities in respect of the said coparcenary property as that of a son, and any reference to a Hindu Mitakshara coparcener shall be deemed to include a reference to a daughter of a coparcener: Provided that nothing contained in this sub-section shall affect or invalidate any disposition or alienation including any partition or testamentary disposition of property which had taken place before the 20th day of December, 2004." *Cited in: Achutuni Sitharavamma v. Turaga Ananda Rao, Roshni v. Bhikham Das, Nathuram v. Sumitra Bai, Chaitan Ram v. Iswar, Vineeta Sharma v. Rakesh Sharma, Chancharapu Madhusudhan Reddy v. Chancharapu Charishma, Kamlakar Purushotam Inamdar v. Rajani Shriram Madiwale, Thenmozhi v. Kousalya, Chandrasekaran v. Vijaya, M. Muthusamy v. R. M. Ponnusamy, Vedhavalli v. Venkatesan, Anand Vardhan Prasad v. Viajaya Lakshmi Srivastava, Kishanlal Choudhary v. Dakshayani, Basappa Maharudrappa Holi v. Parawwa, Channabasappa v. Parvatevva, Yagnaseni Patel v. The General Manager, Mahanadi Coalfields Ltd., Jaipal Singh v. Roshni*

III. Cases Discussed

25 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	<i>Roshni v. Bhikham Das</i> CGHC010012052014	HIGH COURT OF CHHATTISGARH	2023	Upholds equal coparcenary share for daughter even if father died prior to 2005.
02	<i>Kishanlal Choudhary v. Dakshayani</i> KAHC010505622017	HIGH COURT OF KARNATAKA	2023	Confirms daughters as equal coparceners in ancestral property despite marriage or dowry arguments.
03	<i>Vavilapalli Rajeswari v. Bevara Appalanaidu</i> APHC010151752001	HIGH COURT OF ANDHRA PRADESH	2023	Affirms daughter's equal right to partition joint family property without deductions for marriage.
04	<i>Km. Deepika Rani v. Vinay Bansal</i> UPHC011762902017	ALLAHABAD HIGH COURT	2025	Rules that father's death in 2002 does not bar daughter's coparcenary partition suit.
05	<i>M. Muthusamy v. R. M. Ponnusamy</i> HCMA010129672010	MADRAS HIGH COURT	2021	Evaluates validity of coparcenary property settlement deed given to daughters as pious obligation.
06	<i>Rangammal v. Sundarambal</i> HCMA010124652010	MADRAS HIGH COURT	2021	Reverses lower court decree to grant daughter equal share despite father dying before 2005.
07	<i>Nathuram v. Sumitra Bai</i> CGHC010035142000	HIGH COURT OF CHHATTISGARH	2024	Affirms equal share for daughters in ancestral property in pending final decree proceedings.
08	<i>Chandrasekaran v. Vijaya</i> HCMA010039012016	MADRAS HIGH COURT	2023	Declares that unregistered Wills do not affect daughters' statutory right to equal coparcenary shares.
09	<i>Chancharapu Madhusudhan Reddy v. Chancharapu Charishma</i> HBHC010113642002	HIGH COURT FOR STATE OF TELANGANA	2024	Holds daughter is equal joint legal heir irrespective of father's date of death.
10	<i>Vineeta Sharma v. Rakesh Sharma</i> ESCR010000042020	SUPREME COURT OF INDIA	2020	Settles that Section 6 applies retroactively; living father on amendment date is unnecessary.
11	<i>Danamma @ Suman Surpur & Anr. v. Amar and Ors.</i> ESCR010004452018	SUPREME COURT OF INDIA	2018	Affirms daughters' right to equal share in coparcenary property in pending partition suits.
12	<i>Channabasappa v. Parvatevva</i> KAHC020144752023	HIGH COURT OF KARNATAKA	2023	Entitles heirs of predeceased daughters to equal coparcenary shares in ancestral property.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
13	<i>Chaitan Ram v. Iswar</i> CGHC010138462006	HIGH COURT OF CHHATTISGARH	2024	Confirms daughters' coparcenary rights by birth and rejects oral partition defenses without registered deeds.
14	<i>Jaipal Singh v. Roshni</i> RJHC020611442015	HIGH COURT OF RAJASTHAN	2022	Dismisses challenge to daughters' coparcenary rights as the legal position is fully settled.
15	<i>Prasanta Kumar Sahoo & Ors. v. Charulata Sahu & Ors.</i> ESCR010003232023	SUPREME COURT OF INDIA	2023	Entitles daughters to shares in pending partition suits until final decree is passed.
16	<i>Vedhavalli v. Venkatesan</i> HCMA011474532019	MADRAS HIGH COURT	2024	Confirms daughters are coparceners by birth and rejects claims of children from void marriages.
17	<i>Anand Vardhan Prasad v. Viajaya Lakshmi Srivastava</i> JHHC010124872013	HIGH COURT OF JHARKHAND	2024	Applies notional partition share calculations to determine daughters' 25% share in joint property.
18	<i>Basappa Maharudrappa Holi v. Parawwa</i> KAHC020060962018	HIGH COURT OF KARNATAKA	2023	Confirms that daughters are coparceners entitled to partition shares regardless of birth date.
19	<i>A. Ashraffa v. Saraswathi</i> HCMA010410682012	MADRAS HIGH COURT	2021	Grants coparcenary rights to daughter married before State amendments in ancestral property.
20	<i>Kamlakar Purushotam Inamdar v. Rajani Shriram Madiwale</i> HCBM070172612015	BOMBAY HIGH COURT	2024	Discusses bar on heirs of daughters who passed away prior to September 9, 2005.
21	<i>Achutuni Sitharavamma v. Turaga Ananda Rao</i> APHC010038522010	HIGH COURT OF ANDHRA PRADESH	2023	Clarifies preliminary partition decree can be amended to give daughters equal coparcenary shares.
22	<i>Yagnaseni Patel v. The General Manager, Mahanadi Coalfields Ltd.</i> ODHC010617622020	ORISSA HIGH COURT	2023	Sets aside order denying coparcenary rights to daughter whose father died in 1994.
23	<i>Ganduri Koteshwaramma & Anr. v. Chakiri Yanadi & Anr.</i> ESCR010001632011	SUPREME COURT OF INDIA	2011	Upholds modification of preliminary decree to reflect daughters' enlarged coparcenary rights.
24	<i>Jaibai v. Gangubai</i> HCBM030015921993	BOMBAY HIGH COURT	2024	Rules that oral partition defenses cannot defeat retroactive application of amended Section 6.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
25	<i>Thenmozhi v. Kousalya</i> HCMA010018852015	MADRAS HIGH COURT	2023	Holds daughter entitled to coparcenary share by birth in partition-originating joint family properties.

IV. Case Details 25 CASE FILES

01 Roshni v. Bhikham Das

HIGH COURT OF CHHATTISGARH • 2023-11-23 • SA/491/2014

The appellant, a daughter, filed a suit seeking her share in ancestral property held by her brother after their father died intestate. The lower courts dismissed her claim, holding that she lacked rights because the property was recorded in her brother's name before the 2005 amendment to the Hindu Succession Act. The High Court reversed this decision, relying on the Supreme Court ruling in Vineeta Sharma v. Rakesh Sharma. The Court held that the 2005 amendment confers coparcenary rights on daughters by birth, regardless of whether the father was alive on the date of the amendment. Consequently, the appellant was declared entitled to an equal share of the suit property.

HELD The High Court of Chhattisgarh held that Section 6 of the Hindu Succession Act, 1956 confers the status of a coparcener on a daughter born before or after the amendment in the same manner as a son. Since the right is by birth, it is not necessary that the father coparcener should be living as of September 9, 2005, and any erroneous finding dismissing her partition claim must be set aside.

"The provisions contained in substituted Section 6 of the Hindu Succession Act, 1956 confer status of coparcener on the daughter born before or after amendment in the same manner as son with same rights and liabilities. ... Since the right in coparcenary is by birth, it is not necessary that father coparcener should be living as on 9.9.2005."

HIGH COURT OF CHHATTISGARH • 2023

SOURCE CGHC010012052014

02 Kishanlal Choudhary v. Dakshayani

HIGH COURT OF KARNATAKA • 2023-01-11 • RFA/1980/2017

This case involved a dispute over partition and separate possession of ancestral Hindu Undivided Family property. The plaintiffs, who were the sisters of the primary defendants, filed for their shares in the family property, arguing that they were excluded from a prior partition conducted between their brothers without their knowledge or consent. The defendants contended that the plaintiffs had already been provided their shares at the time of their marriages and were thus not entitled to further claims. The trial court rejected the defendants' claims, affirming the plaintiffs' rights as coparceners. The High Court upheld the trial court's judgment, finding no legal infirmity in the decision to grant the sisters their respective shares in the property.

HELD The High Court of Karnataka affirmed that the 2005 amendment is an enlargement of daughters' rights. Because a daughter is made a coparcener w.e.f. the amendment date, she can claim partition as a necessary concomitant. It is irrelevant whether the father or other coparceners are alive or dead since the right is by birth rather than inheritance.

“The effect of the amendment is that a daughter is made coparcener, with effect from the date of amendment and she can claim partition also, which is a necessary concomitant of the coparcenary. Section 6(1) recognises a joint Hindu family governed by Mitakshara law. The coparcenary must exist on 9.9.2005 to enable the daughter of a coparcener to enjoy rights conferred on her. As the right is by birth and not by dint of inheritance, it is irrelevant that a coparcener whose daughter is conferred with the rights is alive or not. Conferral is not based on the death of a father or other coparcener.”

HIGH COURT OF KARNATAKA • 2023

SOURCE KAHC010505622017

03 Vavilapalli Rajeswari v. Bevara Appalanaidu

HIGH COURT OF ANDHRA PRADESH • 2023-10-20 • AS/2863/2001

This case involved a suit for partition and separate possession of ancestral joint family property. The plaintiff, a daughter, claimed a share in the family property held by her father. The trial court had granted her a 1/6th share but allowed deductions for marriage expenses. The appellate court reviewed the claims, specifically addressing the ancestral nature of the property and the legal entitlement of the daughter to a share under the relevant succession laws. The court found that the marriage expenses claimed by the father were not substantiated by evidence and that the partition of the joint family assets was required in accordance with law, modifying the trial court's decision to ensure the plaintiff received her rightful legal share in the ancestral estate.

HELD The High Court of Andhra Pradesh held that if a daughter is alive on the date of enforcement of the Amendment Act, 2005, she becomes a coparcener with effect from the date of amendment, irrespective of her birth date. The right in coparcenary is by birth, meaning the father or daughter does not need to be alive as of the coming into force of the amendment.

“if a daughter is alive on the date of enforcement of the Amendment Act, 2005, she becomes coparcener with effect from the date of amendment irrespective of whether she is born before or after the amendment or not. ... since rider coparcener „shall substitute Section 6 is by birth, it is not at all necessary that the father or daughter should be live in as on the date of coming into force of date of amendment”

HIGH COURT OF ANDHRA PRADESH • 2023

SOURCE APHC010151752001

04 Km. Deepika Rani v. Vinay Bansal

ALLAHABAD HIGH COURT • 2025-09-18 • FAPL/148/2017

The plaintiff filed a suit seeking to declare a registered gift deed null and void, alleging that her brother (the defendant) fraudulently obtained her signature by misrepresenting the document as an agreement to sell. The trial court dismissed the suit under Order 7 Rule 11 of the Code of Civil Procedure, reasoning that since their father died in 2002 (prior to the 2005 amendment to the Hindu Succession Act), the plaintiff held no share in the property and thus lacked a cause of action. The High Court reviewed whether the property was self-acquired versus ancestral and whether the plaint, read as a whole, sufficiently disclosed a cause of action to survive a summary rejection.

HELD The High Court of Allahabad held that even if the father Mahaveer Prasad died in 2002 (prior to the 2005 amendment), the daughter, being alive on September 9, 2005, is an equal coparcener with her brother. The trial court's finding that she possessed no share in the property upon the demise of her father was held to be totally erroneous and perverse.

"From the above law laid down by the Apex Court in the case of Vineeta Sharma (supra), it is evident that if a daughter is born before the enforcement of 2005 Amendment Act (w.e.f. 09.09.2005), even then, she has got right in the coparcenary property w.e.f. 09.09.2005 and it is also evident that, she has got the same rights in the same manner as a son. It is also apparent that it is not essential that her father should be alive on the date of enforcement of the Amendment Act i.e. 09.09.2005."

ALLAHABAD HIGH COURT • 2025

SOURCE UPHC011762902017

05 M. Muthusamy v. R. M. Ponnusamy

MADRAS HIGH COURT • 2021-03-05 • SA/589/2010

This case concerns the validity of a settlement deed executed by a father, who was the kartha of a Hindu undivided family, in favor of his daughter regarding joint family property. The plaintiff, the father's son, challenged the settlement, arguing that a co-parcener cannot alienate joint family property by way of gift. The respondents contended that the settlement was a valid exercise of the father's duty to provide for his daughter's maintenance. The trial court initially declared the settlement void, but the first appellate court partially overturned this, upholding the settlement. The High Court reviewed the matter, emphasizing the restriction against gifting co-parcenary property, and evaluated whether the gift fell within the scope of permissible pious obligations.

HELD The Madras High Court held that the position of law has changed to benefit daughters after the 2005 Amendment, rendering them coparceners by birth. The Court confirmed that the life or death of the father is not a precondition to give effect to the 2005 Amendment, establishing daughters as equal coparceners.

"the interpretation for amendment of Section 6 has to be understood in a manner that the daughters are also co-parceners by their very birth. And the life or death of the father is not a pre-condition to give effect to the amendment brought in the year 2005. So, the daughters have also become equal co-parceners now."

MADRAS HIGH COURT • 2021

SOURCE HCMA010129672010

06 Rangammal v. Sundarambal

MADRAS HIGH COURT • 2021-02-25 • SA/294/2010

The appellant, a daughter, sought a partition of ancestral property claiming equal coparcenary rights under the Hindu Succession (Amendment) Act, 2005. The lower courts rejected her claim for a one-third share, ruling that because her father died before the amendment, she was only entitled to a one-sixth share. The High Court,

relying on the Supreme Court's decision in *Vineeta Sharma v. Rakesh Sharma*, set aside the lower courts' findings. It held that the amendment grants daughters equal coparcenary rights by birth, regardless of whether the father was alive at the time the 2005 amendment came into effect. Consequently, the Court recognized the appellant's right to an equal share in the ancestral property.

HELD The Madras High Court ruled that because coparcenary rights are conferred by birth and not by dint of inheritance, it is irrelevant whether the father or other coparceners are alive or dead on the date of the amendment. The daughter becomes a coparcener w.e.f. September 9, 2005, and can demand an equal share in ancestral properties.

"As the right is by birth and not by dint of inheritance, it is irrelevant that a coparcener whose daughter is conferred with the rights is alive or not. Conferral is not based on the death of a father or other coparcener."

MADRAS HIGH COURT • 2021

SOURCE HCMA010124652010

07 Nathuram v. Sumitra Bai

HIGH COURT OF CHHATTISGARH • 2024-08-20 • SA/514/2000

This case involved a dispute over the partition of ancestral property originally belonging to Goverdhan Patel. The plaintiffs, daughters of the deceased, sought a share in the family lands, while the defendant (the son) claimed certain lands were his self-acquired property and others were bequeathed to him via a will. Both the trial court and the first appellate court concurrently found that the suit properties were ancestral and that the alleged will was not properly established. \n\nUpon appeal, the High Court reviewed the concurrent findings regarding the nature of the property and the validity of the testamentary documents. The Court affirmed that the lands were ancestral and that the son failed to prove independent income for his alleged self-acquired property. Applying principles of Hindu succession, the court upheld the partition entitlement of the daughters alongside the son.

HELD The High Court of Chhattisgarh held that even if a preliminary partition decree has been passed, daughters must be granted a coparcenary share equal to that of a son in pending proceedings for a final decree or in an appeal, as settled in *Vineeta Sharma*.

"their Lordships of the Supreme Court have held that even if preliminary decree has been passed, despite that daughter s are to be given share in coparcenary property equal to that of a son in pending proceedings for final decree or in an appeal."

HIGH COURT OF CHHATTISGARH • 2024

SOURCE CGHC010035142000

08 Chandrasekaran v. Vijaya

MADRAS HIGH COURT • 2023-01-05 • AS/577/2016

This case involved two consolidated appeals concerning property disputes within a family. The central issues were the validity of a Will allegedly executed by the patriarch, Pachamuthu Udayar, and the partition claims filed

by his children. The trial court dismissed the son's suit for declaration of exclusive title, finding the Will was not proved, and decreed partition in favor of the daughters, granting them equal shares in the coparcenary property under the Hindu Succession (Amendment) Act, 2005. The High Court upheld the trial court's decision, affirming that the daughters were entitled to equal status as coparceners regardless of their birth date, as settled in the Supreme Court's precedent regarding the 2005 amendment.

HELD The Madras High Court affirmed that under Section 6, daughters born before or after the 2005 amendment hold the status of coparceners in the same manner as sons. Unproved or invalid Wills executed by a father do not defeat the daughters' equal rights by birth.

"The provisions contained in substituted Section 6 of the Hindu Succession Act, 1956 confer status of coparcener on the daughter born before or after the amendment in the same manner as son with same rights and liabilities."

MADRAS HIGH COURT • 2023

SOURCE HCMA010039012016

09 Chancharapu Madhusudhan Reddy v. Chancharapu Charishma

HIGH COURT FOR STATE OF TELANGANA • 2024-01-25 • AS/2154/2002

The plaintiffs sought a preliminary decree for partition, claiming certain properties were ancestral joint family assets. The trial court determined that the suit properties were indeed joint family properties and entitled the plaintiffs to a share in the compensation. The defendants appealed, arguing that the court failed to properly address the nature of the properties, specifically whether they were self-acquired by an ancestor or part of a joint family nucleus. Upon review, the High Court examined the revenue records, oral evidence regarding family partition, and the legal principles surrounding the doctrine of accretion and ancestral property, ultimately analyzing whether the plaintiffs sufficiently discharged the burden of proof to characterize the disputed assets as joint family property.

HELD The High Court of Telangana held that a daughter is considered a joint legal heir like a son and inherits ancestral property equally, irrespective of whether the father was alive before the 2005 Amendment Act came into effect. The court answered that a joint family is not disrupted simply by the death of coparceners.

"the Hon'ble Supreme Court held that a woman/daughter shall also be considered as a - r;int legal heir as a son and can inherit ancestral property eqrrirrlly as a male heir, inspective that the father was not alive be{ore the Hindu Succession (Amendment) Act, 2005 came into ,..effect."

HIGH COURT FOR STATE OF TELANGANA • 2024

SOURCE HBHC010113642002

10 Vineeta Sharma v. Rakesh Sharma

SUPREME COURT OF INDIA • 2020-08-11 • 2020 INSC 487

This case addressed the scope of daughters' rights in coparcenary property under Section 6 of the Hindu Succession Act, 1956, as amended in 2005. The Supreme Court held that daughters are conferred the status of coparcener by birth, regardless of whether their father was alive on the date of the amendment. The court clarified that the daughter's right is an unobstructed heritage that applies retroactively, meaning daughters have the same rights and liabilities as sons in a Mitakshara coparcenary. Furthermore, the court ruled that pleas of oral partition are generally not accepted unless supported by clear, contemporaneous public documents, to prevent frivolous attempts to deprive daughters of their statutory shares.

HELD The Supreme Court settled that the 2005 Amendment to Section 6 has a retroactive application based on the antecedent event of birth. It held that the father coparcener does not need to be alive on September 9, 2005, because coparcenary rights are obtained by birth. It further ruled that the statutory fiction of partition in the unamended proviso did not disrupt the coparcenary, and that oral partitions cannot be accepted as a statutory defense unless supported by registered deeds, court decrees, or robust public documents.

"The provisions contained in substituted Section 6 of the Hindu Succession Act, 1956 confer status of coparcener on the daughter born before or after amendment in the same manner as son with same rights and liabilities. ... Since the right in coparcenary is by birth, it is not necessary that father coparcener should be living as on 9.9.2005."

SUPREME COURT OF INDIA • 2020

SOURCE ESCR010000042020

11 Danamma @ Suman Surpur & Anr. v. Amar and Ors.

SUPREME COURT OF INDIA • 2018-02-01 • 2018 INSC 84

This case involved a dispute over whether daughters of a Hindu coparcener are entitled to a share in joint family property if they were born before the enactment of the Hindu Succession Act, 1956. The trial court and High Court initially denied the daughters a share, ruling they were not coparceners. The Supreme Court overturned this, holding that the 2005 Amendment to the Act grants daughters the status of coparcener by birth, regardless of their birth date. The Court further clarified that if a partition suit is pending, the daughters' rights are crystallized by the 2005 amendment, and a preliminary decree must be updated to reflect their equal share, as partition only concludes upon a final decree.

HELD The Supreme Court held that the 2005 Amendment confers coparcenary status on a daughter in her own right, with identical rights and liabilities in joint family property as a son would have possessed.

"This amendment now confers upon the daughter of the coparcener as well the status of coparcener in her own right in the same manner as the son and gives same rights and liabilities in the coparcener properties as she would have had if it had been son."

SUPREME COURT OF INDIA • 2018

SOURCE ESCR010004452018

Channabasappa v. Parvatevva

HIGH COURT OF KARNATAKA • 2023-12-18 • WP/105363/2023

This case concerns a dispute over the share of coparcenary property in a pending final decree proceeding. The petitioner challenged an order denying an application to amend a preliminary decree, arguing that the legal heirs of daughters who died before the 2005 amendment to the Hindu Succession Act were not entitled to equal shares. Relying on the Supreme Court's ruling in *Vineeta Sharma v. Rakesh Sharma*, the court held that a daughter becomes a coparcener by birth, regardless of whether the father was alive on September 9, 2005. Consequently, the court affirmed that the right is conferred by birth, and the daughters' heirs are entitled to their share in the coparcenary property.

HELD The High Court of Karnataka held that because the daughter's right is inherent from birth and comparable to that of a son, it is irrelevant whether her father or other coparceners are alive or dead. Consequently, even if a daughter passed away before the 2005 amendment, her surviving legal heirs are entitled to ancestral property shares.

"Therefore, even if a daughter passed away before the 2005 amendment to the Hindu Succession Act, her legal heirs cannot be denied the benefits of the amendment. The court affirmed that the daughter's right, being inherent from birth, is comparable to that of a son, irrespective of the timing in relation to the enactment of the act."

HIGH COURT OF KARNATAKA • 2023

SOURCE KAHC020144752023

13 Chaitan Ram v. Iswar

HIGH COURT OF CHHATTISGARH • 2024-09-12 • SA/267/2006

This case concerns a dispute over the partition of ancestral property between a son and his sisters' descendants. The defendant claimed sole ownership based on long-standing revenue records and alleged caste customs prohibiting daughters from inheriting property. The plaintiffs argued their rights as heirs under the Hindu Succession Act. The lower courts rejected the defendant's plea, finding that he failed to prove his custom defense and that the plaintiffs were entitled to their shares as the suit was filed promptly upon discovery of the discrepancy in revenue records. The High Court upheld the concurrent findings of the lower courts. Relying on the Supreme Court ruling in *Vineeta Sharma v. Rakesh Sharma*, the court affirmed that daughters have equal coparcenary rights by birth and dismissed the appeal, finding no substantial question of law.

HELD The High Court Of Chhattisgarh confirmed that the statutory fiction of partition in unamended Section 6 did not disrupt the coparcenary, and that the 2005 Amendment's substituted Section 6 must be given full effect. It also held that oral partition pleas are to be rejected outright under the Explanation to Section 6(5).

“The statutory fiction of partition created by the proviso to Section 6 of the Hindu Succession Act, 1956 as originally enacted did not bring about the actual partition or disruption of coparcenary. ... In view of the rigour of provisions of the Explanation to Section 6(5) of the 1956 Act, a plea of oral partition cannot be accepted as the statutory recognised mode of partition...”

HIGH COURT OF CHHATTISGARH • 2024

SOURCE CGHC010138462006

14 Jaipal Singh v. Roshni

HIGH COURT OF RAJASTHAN • 2022-10-12 • CW/19123/2015

This petition challenged lower court rulings regarding a property partition and declaration suit. The dispute involved the inheritance rights of daughters under the Hindu Succession Act. Relying on the Supreme Court's ruling in Vineeta Sharma v. Rakesh Sharma, the court clarified that daughters possess coparcenary rights by birth regardless of whether their father was alive at the time of the 2005 amendment. Finding that the legal position regarding these rights is settled and the petitioner's arguments lacked merit in light of this precedent, the court dismissed the writ petition and vacated the existing interim order.

HELD The High Court of Rajasthan dismissed the writ petition challenging the partition of property, reinforcing that substituted Section 6 confers coparcenary status on a daughter in the same manner as a son, and since the right is by birth, the father need not be alive on September 9, 2005.

“now the Apex Court has made it clear that the provision contained in substituting Section 6 of the Hindu Succession Act, 1956 confers status of co-parcener of the daughter born before or after the amendment in the same manner as son with the same rights and liabilities and further the rights can be claimed by the daughter born prior to amendment with effect from date of amendment 09.09.2005...”

HIGH COURT OF RAJASTHAN • 2022

SOURCE RJHC020611442015

15 Prasanta Kumar Sahoo & Ors. v. Charulata Sahu & Ors.

SUPREME COURT OF INDIA • 2023-03-29 • 2023 INSC 319

This case concerns a long-standing partition suit involving the ancestral and self-acquired properties of a father. The Supreme Court addressed two primary issues: the entitlement of daughters to a share in property following the 2005 amendment to the Hindu Succession Act, and the validity of a compromise agreement between parties in a partition suit. The Court held that since partition proceedings are conducted in stages and conclude only upon the final decree, daughters are entitled to their share as per the 2005 amendment if proceedings are still pending. Furthermore, the Court invalidated a settlement agreement between some defendants because it was reached without the written consent of all parties, including the plaintiff, and was signed by an advocate lacking express authorization.

HELD The Supreme Court held that the daughter of a coparcener becomes a coparcener by birth w.e.f. September 9, 2005. Except for partitions or testamentary dispositions concluded before December 20, 2004, daughters are entitled to equal shares in ancestral property, even if a preliminary partition decree was drawn before the amendment.

“According to the new Section 6, the daughter of a coparcener becomes a coparcener by birth in her own rights and liabilities in the same manner as the son. ... Thus, on a nd from 9-9-2005, the daughter is entitled to a share in the ancestral property and is a coparcener as if she had be en a son.”

SUPREME COURT OF INDIA • 2023

SOURCE ESCR010003232023

16 Vedhavalli v. Venkatesan

MADRAS HIGH COURT • 2024-10-23 • SA/141/2020

This case involved a partition suit regarding ancestral properties originally belonging to the common ancestor, Adhimoolam. The dispute arose between the plaintiffs (the wife and daughter of the late Govindasamy, along with the defendant's children) and the defendant (Govindasamy's son). The defendant contested the shares, arguing that children born from his second relationship were also entitled to a portion of the property. The court held that since the defendant's second marriage was contracted during the subsistence of his first marriage, it was void. Under current legal precedents, children from such void marriages are not entitled to claim shares in ancestral property as coparceners. The court affirmed the plaintiffs' right to partition the ancestral properties accordingly.

HELD The Madras High Court upheld that daughters are equal coparceners by birth w.e.f. September 9, 2005, regardless of whether they were born before or after the amendment. The Court restricted ancestral property shares to legitimate children, excluding children of a void second marriage.

“The provisions contained in substituted Section 6 of the Hindu Succession Act, 1956 confer status of coparcener on the daughter born before or after amendment in the same manner as son with same rights and liabilities.”

MADRAS HIGH COURT • 2024

SOURCE HCMA011474532019

17 Anand Vardhan Prasad v. Viajaya Lakshmi Srivastava

HIGH COURT OF JHARKHAND • 2024-10-16 • FA/141/2013

This partition suit concerned family property, including various mining leases and residential assets, originally belonging to a Hindu Undivided Family. The plaintiff sought partition, arguing that the assets were joint family property despite being held in the name of his late father, who acted as the Karta. The defendants contended that the properties were the father's self-acquired assets and thus not subject to partition among the legal heirs as family property.

The trial court ruled in favor of the plaintiff, decreeing that the suit properties constituted

joint family property. It held that the plaintiff and the second defendant were each entitled to a 41.66% share, while the two appellant defendants (the father's daughters) were each entitled to an 8.33% share.

HELD The High Court of Jharkhand applied the *Vineeta Sharma* ruling to adjust partition shares. It held that daughters are Class-I heirs with equal coparcenary status, and set aside the trial court's lower allocation of shares to the daughters.

"the provisions contained in substituted Section 6 of Hindu Succession Act, 1956 confers status of the Coparcener upon the daughter born before or after amendment in the same manner as son with same rights and liabilities."

HIGH COURT OF JHARKHAND • 2024

SOURCE JHHC010124872013

18 Basappa Maharudrappa Holi v. Parawwa

HIGH COURT OF KARNATAKA • 2023-11-24 • RFA/100148/2018

This case involved a dispute over partition and separate possession of joint family properties. The plaintiff, a daughter, claimed a share in the ancestral properties, which the defendant (her brother) contested, arguing that the suit was defective for non-joinder of other necessary parties and that the plaintiff was not entitled to a share. The trial court decreed the suit, granting equal shares to the plaintiff, the defendant, and the other sisters. On appeal, the High Court upheld the decision, citing the Supreme Court's ruling in *Vineeta Sharma v. Rakesh Sharma*. The Court affirmed that under the Hindu Succession (Amendment) Act, 2005, a daughter is a coparcener entitled to a share in ancestral property, regardless of her birth date.

HELD The High Court of Karnataka confirmed that any daughter alive on September 9, 2005, becomes a coparcener, regardless of her date of birth. Consequently, the trial court's decree awarding equal 1/5th shares to the daughters in the joint properties was confirmed.

"if a daughter is alive on the date of the enforcement of the Amendment Act 2005 i.e. 09.09.2005, she becomes a coparcener with effect from the date of amendment irrespective of whether she was born before the said amendment."

HIGH COURT OF KARNATAKA • 2023

SOURCE KAHC020060962018

19 A. Ashraffa v. Saraswathi

MADRAS HIGH COURT • 2021-07-20 • SA/979/2012

The case concerns a dispute over ancestral property following the death of the plaintiff's father. The plaintiff, a daughter, sought partition of her share in the family property, which had been alienated by her brother to the defendant. The central issue was whether the plaintiff, who married before the 1989 Tamil Nadu amendment to the Hindu Succession Act, was entitled to coparcenary rights under the 2005 central amendment. Applying the Supreme Court's ruling in *Vineeta Sharma v. Rakesh Sharma*, the court affirmed that the 2005 amendment confers coparcenary rights on daughters by birth, regardless of whether they were married before the law's

commencement. Consequently, the court held that the plaintiff was entitled to a partition of the ancestral property.

HELD The Madras High Court held that the phrase "daughter of a living coparcener" is not found in Section 6. The 2005 amendment confers coparcenary rights on daughters by birth, regardless of whether they married prior to state amendments or whether the father was alive on September 9, 2005.

"The provisions of Section 6(1) leave no room to entertain the proposition that coparcener should be living on 9-9-2005 through whom the daughter is claiming."

MADRAS HIGH COURT • 2021

SOURCE HCMA010410682012

20 Kamlakar Purushotam Inamdar v. Rajani Shriram Madiwale

BOMBAY HIGH COURT • 2024-06-14 • SA/336/2015

This litigation concerns a dispute over the partition of family properties following the death of the original owner, Purshottam Inamdar. The central issue revolved around whether the properties were ancestral or self-acquired, which dictates the share entitlement of the heirs under the Hindu Succession Act. While the trial court treated the properties as joint family assets, the appellate court subsequently deemed them self-acquired, modifying the distribution shares among the descendants. The appellants challenged these findings, specifically questioning the classification of the properties and the proper application of succession laws regarding the rights of daughters as coparceners, particularly in light of the Supreme Court's ruling in Vineeta Sharma v. Rakesh Sharma.

HELD The Bombay High Court observed that coparcenary rights are acquired by birth but can only be asserted from the date of the amendment, September 9, 2005. Relying on a regional Full Bench decision in *Badrinarayan*, the Court held that the daughter must be alive as on September 9, 2005, and the heirs of a daughter who died before that date do not inherit coparcenary benefits.

"For the purpose of asserting the right, it is necessary that the daughter should be alive as on the date of amendment i.e. 9th September 2005. ... the heirs of daughter who died before 9th September 2005 do not get the benefits of amended Section 6."

BOMBAY HIGH COURT • 2024

SOURCE HCBM070172612015

21 Achutuni Sitharavamma v. Turaga Ananda Rao

HIGH COURT OF ANDHRA PRADESH • 2023-06-13 • CRP/1364/2010

This revision petition concerns whether daughters are entitled to equal coparcenary shares in joint family property under the Hindu Succession (Amendment) Act, 2005, when the father died before the amendment took effect. The Trial Court had initially allowed an application to amend the preliminary decree to include the daughters as coparceners, but subsequently reviewed and reversed its order, ruling that the 2005 Amendment is not retrospective and does not apply to successions opened before its commencement.

Following Supreme

Court precedents, the High Court clarified that the crucial factor is whether a final decree for partition had been passed before the amendment's cutoff date. The court emphasized that a preliminary decree does not effectively partition the property by metes and bounds, and rights can be adjusted until the final decree is finalized.

HELD The High Court of Andhra Pradesh held that even if a partition suit is filed, actual partition is only complete when a final decree is passed. Therefore, any legislative changes or enlargement of shares must be taken into account before the final decree is drawn.

"This is because, the partition suit can be regarded as fully and completely decided only when the final decree is passed."

HIGH COURT OF ANDHRA PRADESH • 2023

SOURCE APHC010038522010

22 Yagnaseni Patel v. The General Manager, Mahanadi Coalfields Ltd.

ORISSA HIGH COURT • 2023-06-22 • WP(C)/28534/2020

The petitioner challenged a Claims Commission order that denied her equal status as a coparcener in her deceased father's ancestral property. The Commission had previously relied on older precedents to hold that daughters were not entitled to equal shares if their fathers died before the 2005 amendment to the Hindu Succession Act. Relying on the Supreme Court's ruling in Vineeta Sharma v. Rakesh Sharma, the Orissa High Court held that daughters are coparceners by birth regardless of when their father died. Consequently, the Court set aside the impugned order, affirming that the petitioner and other daughters are entitled to equal shares in the ancestral property.

HELD The Orissa High Court held that because the right is given by birth, it is an antecedent event, and the 2005 amendment operates retroactively. The death of the father prior to 2005 does not prevent a daughter from getting her equal share.

"Analyzing the amended Section 6 of the Hindu Succession Act, 1956, it was held that since the right is given by birth, it is an antecedent event and the provisions concerning the rights operate on and from the date of commencement of the Amendment Act, 2005."

ORISSA HIGH COURT • 2023

SOURCE ODHC010617622020

23 Ganduri Koteswaramma & Anr. v. Chakiri Yanadi & Anr.

SUPREME COURT OF INDIA • 2011-10-12 • 2011 INSC 757

The case concerns the applicability of the 2005 amendment to the Hindu Succession Act, 1956, which granted daughters equal coparcenary rights. During a pending partition suit where a preliminary decree had been passed but a final decree had not yet been issued, the amendment came into force. The appellants (daughters) sought a share in the coparcenary property. The court held that since a final decree had not yet been passed, the suit remained pending. Consequently, the daughters were entitled to the benefits of the amendment. The court

clarified that a preliminary decree can be modified to account for changes in law or circumstances before the final decree is issued, and restored the trial court's order in favor of the daughters.

HELD The Supreme Court held that the 2005 Amendment confers coparcenary rights by birth to a daughter in her own right, identical to a son. It clarified that since a preliminary partition decree does not dispose of the suit, the shares can be modified in final decree proceedings to reflect the daughter's equal coparcenary status.

“On and from the commencement of the Hindu Succession (Amendment) Act, 2005, in a Joint Hindu family governed by the Mitakshara law, the daughter of a coparcener shall, - (a) by birth become a coparcener in her own right in the same manner as the son...”

SUPREME COURT OF INDIA • 2011

SOURCE ESCR010001632011

24 Jaibai v. Gangubai

BOMBAY HIGH COURT • 2024-02-16 • SA/205/1993

This case involved a dispute over a partition suit filed by the plaintiffs, who claimed to be the widow and posthumous son of the deceased, Rangnath. The defendants challenged the marriage's validity, asserting it was void due to the subsistence of Rangnath's first marriage, and denied the plaintiffs' status as legal heirs. The lower appellate court held that while the marriage was void, the plaintiff child was entitled to a share under Section 16 of the Hindu Marriage Act. The High Court reviewed the concurrent findings, focusing on the correct application of Hindu succession laws regarding the shares of illegitimate children and the evidentiary requirements for proving the legitimacy of a relationship and the resulting entitlements to ancestral property.

HELD The Bombay High Court held that the defense of a notional partition pursuant to the proviso of the unamended Section 6 is no longer available in pending final decree proceedings, which must be decided under the *Vineeta Sharma* rules.

“Finally, Vineeta Sharma (supra) laid down the law that though the father is not alive on the amendment of 2005, the daughters have an equal share as a coparcener.”

BOMBAY HIGH COURT • 2024

SOURCE HCBM030015921993

25 Thenmozhi v. Kousalya

MADRAS HIGH COURT • 2023-03-02 • AS/307/2015

The plaintiffs (a mother and daughter) sought a declaration of ownership and partition of properties formerly held by the second plaintiff's father, who died in 2005. The defendants, claiming under a Will executed by the deceased, argued the properties were self-acquired. The trial court found the Will valid but held that because the property originated from a partition deed, the second plaintiff was entitled to a coparcenary share by birth under the Hindu Succession Act. \n\nOn appeal, the court considered whether the properties were ancestral or self-acquired. The appellate court affirmed the decision that the second plaintiff, as a coparcener, is entitled to an

equal share in the joint family properties, notwithstanding the existence of a Will, which could only dispose of the father's half-share.

HELD The Madras High Court rejected the argument that a daughter can only claim coparcenary rights if her father was alive on September 9, 2005. It held that the daughter's right is by birth, and pending partition suits must grant them equal shares.

"Since the right in coparcenary is by birth, it is not necessary that father coparcener should be living as on 9.9.2005. ... Notwithstanding that a preliminary decree has been passed the daughters are to be given share in coparcenary equal to that of a son in pending proceedings..."

MADRAS HIGH COURT • 2023

SOURCE HCMA010018852015

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