



# Case Comment: Yagnaseni Patel v. The General Manager, Mahanadi Coalfields Ltd. & Ors

Saumya Verma\*

## 1. Introduction

Throughout the course of history, women from many regions around the globe have persistently advocated for the fundamental entitlement to inherit familial assets. The rationale for opposing women's property rights in many nations stemmed from the perception that women do not maintain a lasting affiliation with their family of birth. Upon entering wedlock, individuals assume membership within their respective marital families. Consequently, exclusive entitlement to their family's property was limited to the male household members.<sup>1</sup> Nevertheless, there has been a significant increase in women's property rights during the last several decades. The legal framework regulating Hindu women's property rights in India consists of two key legislations - the Hindu Succession Act of 1956 and the Hindu Women's Right to Property Act of 1937.<sup>2</sup> The Hindu Women's Right to Property Act of 1937 focused on addressing Hindu widows' property rights.<sup>3</sup> The Hindu widow was granted an

---

\* Rajiv Gandhi National University of Law, Punjab; saumyasundan@gmail.com

<sup>1</sup>Law of succession and inheritance, (July 18, 2023, 10.04 AM), <https://districts.ecourts.gov.in/sites/default/files/sucession.pdf>.

<sup>2</sup> Rachit Garg, Property rights of women in India - iPleaders, (July 18, 2023, 10.30 AM) <https://blog.ipleaders.in/property-rights-of-women-in-india/>

<sup>3</sup> *Id.*

equal share of her deceased husband's intestate property commensurate with that of her sons.

Nevertheless, as mentioned above, the initiative was inadequate in addressing the broader issue of women's property rights and failed to extend coparcenary rights to Hindu women.<sup>4</sup> The 2005 modification, known as the Hindu Succession (Amendment) Act, 2005, was implemented in accordance with the recommendations put forward in the 174th Law Commission Report.<sup>5</sup> This modification brought about substantial changes to the existing 1956 Act.<sup>6</sup> The action mentioned above represents a notable stride in addressing and rectifying gender inequality in India.

However, the High Court's ruling has raised uncertainty over the retrospective effect of the 2005 Amendment due to the conflicting verdicts in *Danamma v. Amar Singh* (2018)<sup>7</sup> and *Prakash v. Phulavati*<sup>8</sup>. A significant ruling was delivered on August 11, 2020, by a three-judge bench of the Supreme Court, presided over by Justice Arun Mishra, which aimed to provide clarity to the prevailing uncertainty.<sup>9</sup> The panel upheld its decision in the case of *Danamma v. Amar Singh*<sup>10</sup> while reversing the ruling in *Prakash v. Phulavati*.<sup>11</sup> It has been determined that a female individual has coparcenary rights from birth, irrespective of the survival of her father.<sup>12</sup>

---

<sup>4</sup> Rachita Garg, *supra* note 2

<sup>5</sup> Rachit Garg, Hindu Succession Amendment Act, 2005 - iPleaders, IPleaders (July 18, 2023, 11:00 AM), <https://blog.ipleaders.in/critical-analysis-hindu-succession-amendment-act-2005/>

<sup>6</sup> Rachita Garg, *supra* note 5

<sup>7</sup> *Danamma @ Suman Surpur v. Amar*, (2018) 3 SCC 343.

<sup>8</sup> *Prakash v. Phulvati*, (2016) 2 SCC 36.

<sup>9</sup> *Danamma v. Amar*, *supra* note 7

<sup>10</sup> *Danamma v. Amar*, *supra* note 7

<sup>11</sup> *Prakash v. Phulvati*, (2016) 2 SCC 36.

<sup>12</sup> Prerona Sil, Property Rights of Daughter in India: Post-Supreme Court Ruling, 2022, Lexology (July 18, 2023, 11:15 AM),

Moreover, the retrospective application of the 2005 Amendment was upheld and firmly established in this case. The Supreme Court's decision in the case of *Arunachala Gounder (deceased) v. Ponnuswamy*<sup>13</sup>, rendered in January 2022, established that the self-acquired property of a Hindu male who dies without leaving a will, should be passed through the mechanism of inheritance, as opposed to succession. Moreover, both individual property and property acquired through the split of coparcenary or family property must be eligible for inheritance by the daughter.<sup>14</sup> Additionally, it has been said that in the event of a woman's death without a valid will, the ancestral property inherited from her father's lineage would be transferred to her father's successors, while the property acquired through her husband's lineage would be assigned to her husband's successor.<sup>15</sup>

## 2. Facts

In a nutshell, the case's factual matrix is that the property belonging to Khata No.24 of Mouza Tumulia was registered in the name of the plaintiff's father.<sup>16</sup> Late Kulamani Patel, who died on March 19, 2005, was the petitioner.<sup>17</sup> Following the demise of the petitioner's father, her three brothers, namely Harihar Patel, Dambarudhar Patel, and Durjan Patel, obtained the transfer of property in their names under Section 19(1)(c)

---

<https://www.lexology.com/library/detail.aspx?g=75cc6bed-c424-47deb17e-4715cb8b2872>.

<sup>13</sup> *Arunachala Gounder (dead) v. Ponnuswamy*, (2022)11 SCC 520.

<sup>14</sup> *Id.*

<sup>15</sup> *Danamma v. Amar*, supra note 7.

<sup>16</sup> Jyoti Prakash Dutta, *Hindu Succession Act | Daughters Get Equal Coparcenary Rights as Sons in Even If Father Died Before 2005 Amendment: Orissa High Court, Daughters Get Equal Coparcenary Rights as Sons Eve* (July 19, 2023, 11:00 AM),

<https://www.livelaw.in/high-court/orissa-high-court/orissa-high-court-daughter-equal-coparcenary-rights-ancestral-property-inheritance-hindu-succession-act-232712?infinitemscroll=1>.

<sup>17</sup> *Id.*

of the Odisha Land Reforms Act, 1960 (referred to as "OLR Act, 1960"). The petitioner and her two sisters, Bedamati Patel and Bhagabati Patel, contested this transfer through Mutation Appeal No. 9 of 2014 before the Sub-Collector, Sundargarh.<sup>18</sup> On December 7, 2016, the Sub-Collector of Sundargarh asked the Tahasildar to enter the names of the girls and three boys of the late Kulamani Patel in the Record of Rights (RoR).<sup>19</sup> As a result, a new RoR was issued, which included the names of three daughters and three boys.<sup>20</sup> Consequently, the petitioner, who is the daughter of the deceased Kulamani Patel, pursued an equitable division of the property in accordance with Section 6<sup>21</sup> of the Hindu Succession (Amendment) Act, 2005, and the judgement rendered by the Supreme Court in the case of *Danamma @ Suman Surpur and others v. Amar and others*<sup>22</sup>.

### 3. Legal Issues Involved

- a) Whether or not the right granted by the 2005 Amendment Act applies to daughters born before the date of the enforcement of the Act.
- b) Whether or not Section 6 of the 2005 Amendment Act is retrospective.

---

<sup>18</sup> Jyoti Prakash Dutta, supra Note 15.

<sup>19</sup> Jyoti Prakash Dutta, supra note 15.

<sup>20</sup> Jyoti Prakash Dutta, Hindu Succession Act | Daughters Get Equal Coparcenary Rights as Sons in Even If Father Died Before 2005 Amendment: Orissa High Court, Daughters Get Equal Coparcenary Rights as Sons Eve (July 19, 2023, 11:00 AM), <https://www.livelaw.in/high-court/orissa-high-court/orissa-high-court-daughter-equal-coparcenary-rights-ancestral-property-inheritance-hindu-succession-act>

<sup>21</sup> The Hindu Succession Act, 1956, No.30, Acts of Parliament, 1956 (India)

<sup>22</sup> Jyoti Prakash Dutta, supra note 19. Civil Appeal No. 188-189 of 2018 [SLP (C) No. 10638-10639 of 2013], delivered on 01.02.2018.

#### 4. Judgement

In the verdict given by Justices B.R. Sarangi and M.S. Raman on June 22, 2023, the High Court observed that the Claims Commission had erred manifestly in its decision by denying the daughter the entitled benefit.<sup>23</sup> The Amendment Act of 2005 is already in effect, so its interpretation must be followed. As a result, the daughter has a claim to her father's property as of the day the Amendment Act went into effect, which was in 2005.<sup>24</sup>

#### 5. Case Analysis

The Mitakshara law gives a son equal right to the family property.<sup>25</sup> According to Hindu law, the term "son" is defined in a technical manner,<sup>26</sup> which encompasses the male offspring, their male descendants, and subsequent generations of male descendants.<sup>27</sup> Therefore, all male descendants of Hindu lineage up to the fourth generation are considered his progeny.<sup>28</sup> The adopted child has the same joint family property rights from adoption as his adoptive father.<sup>29</sup> Daughters do not inherit family property. The states of Andhra Pradesh, Tamil Nadu, Maharashtra, and Karnataka have amended the Hindu Succession Act of 1956. In Andhra Pradesh, Tamil Nadu, and Maharashtra, Sections 29-A, 29-B, and 29-C have been added, while Karnataka has added Section

---

<sup>23</sup>Jyoti Prakash Dutta, *supra* note 19.

<sup>24</sup>*Id.*

<sup>25</sup> The Hindu Succession Act, 1956, *supra* note 20.

<sup>26</sup> The Hindu Explains | What is coparcenary property in Hindu law? (July 23, 2023, 8:00 PM), <https://www.thehindu.com/news/national/the-hindu-explains-what-is-coparcenary-property-in-hindu-law/article32364484.ece>.

<sup>27</sup> *Id.*

<sup>28</sup> The Hindu, *supra* note 25.

<sup>29</sup> Law Of Adoption and Guardianship, (July 23, 2023, 8:30 PM) <https://www.legalserviceindia.com/legal/article-2755-law-of-adoption-and-guardianship.html>.

6-A. Taking inspiration from these states, the Parliament of India has approved the Hindu Succession (Amendment) Act, 2005.<sup>30</sup> This amendment makes a coparcener's daughter as good as a son in a Mitakshara joint household.<sup>31</sup> She shares coparcenary rights as that of a son.<sup>32</sup> According to the said amendment, she also has the right to demand her portion of family property<sup>33</sup>, as she has the same liabilities and obligations that a son has.<sup>34</sup> Coparceners have the right to alienate for payment, seek division, joint ownership and usufruct, maintenance, will, and prohibit unauthorised disposal, surrender, and survivorship.<sup>35</sup> Going back to some of the key verdicts in this respect, in *Prakash v Phulavati* (2016),<sup>36</sup> the apex Court stated that daughters are not entitled to get the benefit of equal share being co-sharers in the ancestral property.<sup>37</sup> Subsequently, in the year 2020, the Supreme Court's larger Bench, in the case of *Vineeta Sharma v. Rakesh Sharma and others*<sup>38</sup>, 2020 (II) OLR (SC) 569: (2020) 9 SCC 1, rendered a ruling stating that a daughter shall always be considered the coparcener, irrespective of her father's survival at the time of the 2005 amendment to the law. The Orissa High Court has ruled that a daughter will retain her status as a coparcener throughout her lifetime, irrespective of whether

---

<sup>30</sup> Jyoti Prakash Dutta, *supra* note 15

<sup>31</sup> Richa Arya, Can Daughters become coparceners in a joint Hindu family under law? - *iPleaders*, IPleaders (July 23, 2023, 9:00 PM), <https://blog.ipleaders.in/can-daughters-become-coparceners-in-a-joint-hindu-family-under-law/>.

<sup>32</sup> Richa Arya, *supra* note 30

<sup>33</sup> *Id*

<sup>34</sup> Richa Arya, *supra* note 30

<sup>35</sup> Richa Arya, Can Daughters become coparceners in a joint Hindu family under law? - *iPleaders*, IPleaders (July 23, 2023, 9:00 PM), <https://blog.ipleaders.in/can-daughters-become-coparceners-in-a-joint-hindu-family-under-law/>

<sup>36</sup> *Prakash v. Phulvati*, (2016) 2 SCC 36.

<sup>37</sup> *Id.*

<sup>38</sup> *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1.

her father was alive during the 2005 amendment to the law.<sup>39</sup> The Court emphasised that the law has retrospective application.<sup>40</sup>

The issue of gender discrimination has long been a subject of discussion and controversy within patriarchal societies, including India. The Hindu Succession (Amendment) Act of 2005 bestowed coparcenary powers upon Hindu women.<sup>41</sup> The decision rendered by the Supreme Court in the case of *Vineeta Sharma v Rakesh Sharma*<sup>42</sup> has been widely praised for providing additional clarity regarding the ambiguous nature of coparcenary rights for Hindu daughters. The Court's ruling establishes that these rights have a retrospective effect.<sup>43</sup> Despite the legislative and judicial efforts towards gender-neutral property legislation, there was no jurisprudential clarity about women's rights in self-acquired assets. In its historic decision in the *Arunachala Gounder* case, the Court resolved all doubts about Hindu female property rights and the distinct property of a Hindu man dying intestate.<sup>44</sup> In the *Arunachala Gounder case*(2022)11 SCC 520, the Supreme Court extensively examined the origins of the Hindu Succession Act of 1956<sup>45</sup> and the generally progressive attitude of Hindu customary rules, which recognise women as rightful heirs in a number of roles.<sup>46</sup> In line with the ruling of the Supreme Court, the commendable judgement rendered by the Orissa High Court affirms the rightful entitlement of the sole surviving daughter to inherit her father's property.<sup>47</sup> It has been

---

<sup>39</sup> Jyoti Prakash Dutta, *supra* note 19

<sup>40</sup> Jyoti Prakash Dutta, *supra* note 15

<sup>41</sup> The Hindu Succession Amendment Act, 2005, No.39, Acts of Parliament 2005 (India).

<sup>42</sup> *Vineeta Sharma v. Rakesh Sharma*, *supra* note 37

<sup>43</sup> *Vineeta Sharma v. Rakesh Sharma*, *supra* note 37

<sup>44</sup> *Arunachala Gounder (dead) v. Ponnuswamy*, *supra* note 12

<sup>45</sup> The Hindu Succession Act, 1956, *supra* note 20

<sup>46</sup> *Arunachala Gounder (dead) v. Ponnuswamy*, *supra* note 12

<sup>47</sup> Jyoti Prakash Dutta, *supra* note 19

previously mentioned that the daughter has a legal claim to her father's property.<sup>48</sup> This right is automatically granted at birth, and the provisions regarding these rights are applicable starting from the date of the Amendment Act in 2005.<sup>49</sup> This ruling holds great significance in developing Hindu Personal laws and will effectively address the concerns about women's rights over self-acquired property.<sup>50</sup> Consequently, it is expected to bring about a notable progress in the socio-economic conditions of Hindu women and daughters.

## 6. Conclusion

The *Vineeta Sharma case* rendered a legal precedent, affirming that the amendment to the Hindu Succession Act, which grants equal inheritance rights to daughters for ancestral property, shall have a retrospective effect.<sup>51</sup> The Court has also ruled that using gender as a means to restrict an individual's inheritance rights violates Article 14, which asserts the principle of equality for all individuals before the law.<sup>52</sup> The ruling effectively addressed the ambiguity arising from the *Phulavati and Danamma case*. These decisions, including the recent ruling by the Orissa High Court, aim to ensure that daughters of coparceners are granted equal coparcenary rights in their father's property from birth, placing them on equal footing with sons of coparceners.<sup>53</sup> Daughters must maintain their status as coparceners throughout their lifetime, regardless of the presence or absence of their father.

---

<sup>48</sup> Arunachala Gounder (dead) v. Ponnuswamy, supra note 12

<sup>49</sup> Arunachala Gounder (dead) v. Ponnuswamy, (2022)11 SCC 520

<sup>50</sup> Yagnaseni Patel v. The General Manager, Mahanadi Coalfields Ltd, (2022) LiveLaw (Ori) 76.

<sup>51</sup> Vineeta Sharma v. Rakesh Sharma, supra note 37

<sup>52</sup> Vineeta Sharma v. Rakesh Sharma, supra note 37

<sup>53</sup> Prerona Sil, Property Rights of Daughter in India: Post-Supreme Court Ruling, 2022, Lexology (July 24, 2023, 10:00 AM), <https://www.lexology.com/library/detail.aspx?g=75cc6bed-c424-47de-b17e-4715cb8b2872>.



Consequently, the privileges bestowed upon individuals by amendment will remain unaffected by their marital status, ensuring their continued membership in their father's Hindu Undivided Family (HUF) even after marriage.<sup>54</sup> Daughters are now entitled to pursue the division of their father's coparcenary property, asserting their right to an equal share alongside their brothers and other coparceners.<sup>55</sup> It is important to note that such a claim cannot be denied based on an informal verbal agreement within the family.<sup>56</sup> The recent ruling by the Orissa High Court is a significant legal decision aimed at addressing discriminatory social practices against Hindu women in India.<sup>57</sup> Achieving gender parity in this regard will require a fundamental shift in the mindset of Indian society.<sup>58</sup>

---

<sup>54</sup> Property Rights of Daughter in India: Post-Supreme Court Ruling, 2022, (July 18, 2023, 10:30 AM), <https://www.foxmandal.in/property-rights-of-daughter-in-india-post-supreme-court-ruling-2022/>.

<sup>55</sup> *Id*

<sup>56</sup> Jyoti Prakash Dutta, *supra* note 15

<sup>57</sup> Jyoti Prakash Dutta, *supra* note 19

<sup>58</sup> Jyoti Prakash Dutta, *supra* note 15