

Madras HC: Pre-2005 Deceased Daughters Lack Ancestral Property Share

Madras High Court ruled that legal heirs of Hindu daughters who died before September 9, 2005 cannot claim coparcenary rights.

A judicial clarification on the prospective applicability of coparcenary rights under the Hindu Succession (Amendment) Act, 2005.

KEY EXAM POINTS

- A division bench comprising **Justice N. Sathish Kumar** and **Justice M. Jothiraman** delivered the judgment.
- The court held that legal heirs of a Hindu woman dying prior to **September 9, 2005** cannot claim **coparcenary rights**.
- The cut-off date corresponds to the enforcement date of the **Hindu Succession (Amendment) Act, 2005**.
- The bench stated that conferring female coparcenary rights is **prospective** and cannot resurrect past settled events.
- This verdict was pronounced at the principal seat of the **Madras High Court** in **Chennai**.

STATICS & SYLLABUS FOCUS

The original **Hindu Succession Act** was enacted in the year **1956**.

Tamil Nadu enacted the **Hindu Succession (Tamil Nadu Amendment) Act** in **1989** giving equal rights to daughters.

The Central Hindu Succession (Amendment) Act came into force on **September 9, 2005**.

In **Vineeta Sharma v. Rakesh Sharma (2020)**, the **Supreme Court** ruled coparcenary right is acquired by birth.

Article 15(1) prohibits discrimination based on sex, while **Article 15(3)** allows special provisions for women.

Article 39(a) of the **DPSP** mandates that the State secure equal livelihood opportunities for men and women.

REVISION FLASHCARD

Hindu daughters dying before September 9, 2005 cannot pass coparcenary ancestral property rights to legal heirs: Madras HC.

Syllabus Relevance: Crucial for Group 1 & 2 exams under Unit 5 (Judiciary & Women Empowerment Laws) and Unit 8/9 (Social Legislation in TN).

Free School Books

Read and study school textbooks for free on the Essaar Academy platform.

School Books: essaaracademy.in/school-books