
(2005) 06 AP CK 0003
In the Andhra Pradesh High Court
Case No : SA No. 775 of 2004

Appana Venkata Lakshmi

APPELLANT

Vs

Chebrolu Ratna Manikyamba and Others

RESPONDENT

Date of Decision : 13-06-2005

Acts Referred:

Hindu Adoptions and Maintenance Act, 1956 — Section 19
Hindu Succession Act, 1956 — Section 13, 14

Citation : (2005) 5 ALD 526

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : V.L.N.G.K. Murthy, for the Appellant; T.S. Anand, for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—The second appeal is filed by defendant No. 6 in O.S. No. 869 of 1993 on the file of the Principal Junior Civil Judge, Rajahmundry. The first respondent is the plaintiff. She filed the suit initially for the relief of perpetual injunction. Thereafter, she amended the suit by incorporating the prayer for declaration of title and recovery of possession of the suit schedule property comprising of a room of 16 square yards at Rajahmundry. The trial Court decreed the suit. Aggrieved thereby, the appellant and certain other defendants in the suit filed A.S. No. 67 of 2000 in the Court of the V Additional District Judge (Fast Track Court), Rajahmundry. The lower appellate Court dismissed the appeal through its judgment, dated 26.2.2004.

2. The facts, in brief, that gave rise to the filing of the suit and the subsequent appeal, are as under:

3. Originally, the suit schedule property was held by one Smt. Teegala Rattamma. The first defendant, by name Parvathamma, is her daughter and one T. Bhavanarayana is her son. The plaintiff (first respondent herein) and Teegala Veera Venkata Satyanarayanamurthy, the second defendant are the children of

Bhavanarayana. During her lifetime, Teegala Rattamma executed a settlement deed, dated 28.8.1937, through which she created life interest in favour of her daughter, the first defendant, and vested remainder in favour of her son, Bhavanarayana. Alleging that the first defendant was trying to alienate the suit schedule property, the daughter of Bhavanarayana filed the suit for injunction, restraining her from alienating the suit schedule property, during her life time. The first defendant died, while the suit was pending. Pleading that the vested remainder accrued to Bhavanarayana and thereby, to his legal representatives, the prayer in the suit was amended to the one of declaration of title and recovery of possession. As observed earlier, the suit was decreed and the decree was upheld by the lower appellate Court.

4. Sri V.L.N.G.K. Murthy, learned Counsel for the appellant, submits that both the Courts below have applied wrong principles of law in denying the benefit of Section 14 of the Hindu Succession Act (for short "the Act") to the first defendant and her legal representatives. He submits that by operation of Section 14 of the Act, the life interest created in favour of the first defendant enlarged into an absolute right and that the plaintiff was not at all entitled for the relief claimed in the suit. He takes serious exception to the invocation of Section 19 of the Hindu Adoptions and Maintenance Act, 1956, by the lower appellate Court.

5. Sri T.S. Anand, learned Counsel for the plaintiff, on the other hand, submits that the limited estate referred to u/s 14 of the Act in relation to female Hindu is the one which acquires in recognition of her pre-existing right and not the one traceable to any other different category of rights. He submits that the reference to Section 19 of the Hindu Adoptions and Maintenance Act, 1956 by the lower appellate Court was only to make a comparison of the issue and no right, as such, on the basis of that provision was recognized by the lower appellate Court.

6. The parties litigated, so vehemently, about such a small extent of property, obviously because of its value. The undisputed fact is that the common ancestor, Teegala Rattamma, created life interest in the suit schedule property in favour of the first defendant and vested remainder in favour of Bhavanarayana through Ex.A.1, dated 28.8.1937. While the plaintiff pleaded that the first defendant acquired nothing more than a life interest, the latter contended that by operation of Section 13 of the Act, the life interest created in her favour had enlarged into an absolute right. Therefore, much would depend upon the nature of life interest referred to in Section 14 of the Act, which, by operation of that provision enlarges into an absolute right.

7. The issue is no longer *res integra*. In *V. Tulasamma v. V. Sesha Reddi* AIR 1977 SC 1944, the Supreme Court had an occasion to deal with this very question. After referring to the origin of such rights and decided cases on the subject, the Supreme Court held that the life interest referred to in Section 14 of the Act must be the one, which is created in recognition of a pre-existing right of a Hindu female. In other words, if a life interest is created, otherwise than in recognition of such pre-existing right, it cannot enlarge into an absolute right.

Therefore, it needs to be seen as to whether the creation of life interest in favour of the first defendant through Ex.A.1 was in recognition of any pre-existing right in her favour.

8. Whether it is under the Hindu Adoptions and Maintenance Act, 1956 or the law existing prior to it, the obligation to maintain a female Hindu rested upon the father or brothers, in case she was unmarried, and upon the husband and sons if she was married. At no point of time, the mother was treated to be under an obligation to maintain her married daughters, in the legal sense, by providing any material resources etc. Therefore, the creation of life interest in favour of the first defendant cannot be said to be in recognition of any obligation on the part of Rattamma, to maintain her daughter, the first defendant.

9. In that view of the matter, the accrual of vested remainder in favour of Bhavanarayana could not have been stopped. That being the case, consequent on the death of 1st defendant, the vested remainder became operative in favour of Bhavanarayana and thereby, to his legal representatives. Reference by the lower appellate Court to Section 19 of the Hindu Adoptions and Maintenance Act, 1956 was in the context of analyzing the obligation of late Rattamma, to maintain the 1st defendant. Hence, no exception can be taken to the decrees and judgments rendered by the Courts below.

10. The second appeal is accordingly dismissed. There shall be no order as to costs.