

Mitakshara Law – Legal principles culled out – *Katama Natchiar v. Srimut Rajah Mootoo Vijaya Raganadha Bodha Gooroo Sawmy Periya Odaya Taver* (1863) 9 MIA 539, referred..

A) That the General Course of descends of separate property according to the Hindu Law is not disputed it is admitted that according to that law such property (separate property) descends to widow in default of male issue.

B) It is upon Respondent therefore to make out that the property herein question which was separately acquired does not descends according to the general Course of Law.

C) According to the more correct opinion where there is undivided residue, it is not subject to ordinary rules of partition of joint property, in other words if it a general partition any part of the property was left joint the widow of the deceased brother will not participate notwithstanding with separation but such undivided residue will go exclusively to brother.

D) The law of succession follows the nature of property and of the interest in it.

E) The law of partition shows that as to the separately acquired property of one member of a united family, the other members of the family have neither community of interest nor unity of possession.

F) The foundation therefore of a right to take such property by survivorship fails and there are no grounds for postponing the widow's right any superior right of the co-parcenars in the undivided property.

G) The Hindu Law is not only consistence with this principle but is also most consistent with convenience."

Katama Natchiar v. Srimut Rajah Mootoo Vijaya Raganadha Bodha Gooroo Sawmy Periya Odaya Taver (1863) 9 MIA 539.

[\(2022-1\)205 PLR 407 \(SC\), 2022 SCeJ 0152](#)

[Arunachala Gounder v. Ponnuswamy, \(2022-1\)205 PLR 407 \(SC\), 2022 SCeJ 0152](#)