

Smt. Kailash Pati Devi

Vs

Smt. Bhubneswari Devi and Others

Civil Appeal No. 2798 of 1980

(CJI Y. V. Chandrachud, D. P. Madon, Ranganath Misra JJ)

18.07.1984

JUDGMENT

CHANDRACHUD, C.J. -

1. The purchaser of joint family property from a member of a joint Hindu family may have the right to file a general suit for protection against the members of the joint family and, indeed, that may be the proper remedy for him to adopt to effectuate his purchase. But, the question is of academic importance here since it appears that the property involved in this suit, which was purchased by the appellant from one of the members of the joint Hindu family, is the only joint family property available for being partitioned. There are, therefrom no equities to be adjusted as between the parties. Accordingly, we agree with the concurrent findings recorded by the trial court, the District Court and the High Court and dismiss this appeal. There will be no order as to costs.

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