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PROPERTY RIGHTS OF AN ILLEGITIMATE CHILD

Authors –

Hrishikesh Jaiswal

Student (B.A.LLB)

National Law Institute University, Bhopal

Manvendra Singh Rathore

Student (B.A.LLB)

National Law Institute University, Bhopal

ABSTRACT

In all the societies, all over the world, being a child is of great significance and the issue arises when the child is not a legitimate one. The distinction between a child being an illegitimate or a legitimate one has been discussed extensively both in the historical society and in the modern-day society. Most of the personal laws also have discriminated when it comes to providing rights to a bastard child which can be corroborated from the fact that most of the personal laws are based on their respective religion. In this paper, we will delve into the issue of the rights which an illegitimate child has and also the problems, with respect to various personal laws. Moreover, it will also trace the laws prior to the amendment of Section 16 and also the problems which still subsists even after the amendment of the act.

Keyword: Illegitimate child, Hindu Law, Muslim Law

INTRODUCTION

In all the societies, all over the world, being a child is of great significance and the issue arises when the child is not a legitimate one. The distinction between a child being an illegitimate or a legitimate one has been discussed extensively both in the historical society and in the modern-day society. Being born as an illegitimate child comes with a social disgrace and moreover, they never get to enjoy the rights entailed to a legitimate child born out of lawful wedlock. Illegitimate child has always been discriminated in all the societies in various ways ranging from the curtailment of their lawful rights to the social shame of not being a legitimate child.

Since the development of the legal system, there is always a gap when it comes to the rights of the illegitimate children, they have been denied the rights which have been enshrined for the legitimate child. Further, most of the personal laws also have discriminated when it comes to providing rights to a bastard child which can be corroborated from the fact that most of the personal laws are based on their respective religion. For, example, Muslim law considers an illegitimate child as filius

nullius i.e., son of a nobody.¹herefore, the child born out of such a kind of relationship is not provided with the rights and status which a child born out of lawful relationship gets.²

In our country also, until recently, the legal system did not provide the property rights to illegitimate children, which a legitimate child has. Now, Section 16 of the Hindu Marriage Act³ has recognized the property rights of an illegitimate child, over its parents' property. The law was very narrow when it came into force but after its amendment in 1976 by Marriage Laws (Amendment) Act, 1976 the rights have been expanded. Moreover, the courts have also recognised the rights of children born out of live-in relationships but with certain conditions which need to be fulfilled first.

Ergo, in this paper, we will delve into the issue of the rights which an illegitimate child has and also the problems, with respect to various personal laws. Moreover, it will also trace the laws prior to the amendment of Section 16 and also the problems which still subsists even after the amendment of the act.

RESEARCH METHODOLOGY

STATEMENT OF PURPOSE:

The purpose of the law, be it sourced from a divine entity or be is a creation of man, is to ease the quality of life and resolve conflicts. This paper aimed at analysing the law of Inheritance and property rights of the illegitimate children followed by the differentiation in this aspect between two major religions of the world which are, Hinduism and Islam, demarcating such divergence for a holistic understanding of the law.

¹ Legitimacy of Barstardisation Law- A Critical Overview, by Lakshmi Shanthakumar Available At http://www.supremecourtcases.com/index2.php?option=com_content&itemid=5&do_pdf=1&id=22276 (Last Visited-7th September 2019).

²*Id.*

³Section 16, Hindu Marriage Act, 1955.

RESEARCH OBJECTIVES

Our primary aim is to delve into the concept of inheritance and property rights specifically of illegitimate children. We aim to discuss the inheritance of both Hindu and Muslim children delving a bit into the historical part of it.

HYPOTHESIS

Since the development of legal system there is always a gap when it comes to the rights of the illegitimate children, they have been denied the rights which have been enshrined for the legitimate child

RESEARCH QUESTIONS

- Who is an illegitimate child according to law?
- What were the rights given to the illegitimate child of Shudra?
- What are the rights conferred to an illegitimate Hindu child?
- What are the rights conferred to an illegitimate child under Muslim Law?

RESEARCH STYLE

A combination of analytical and descriptive approach has been adopted by the researcher. Case laws, precedents, etc. have been consulted wherever necessary. It must be noted that only the criminal law domain in India has been considered for this case.

OVERVIEW OF LITERATURE

- Justice Ranganath Mishra, Mayne's Treatise on Hindu Law and Usage, 15th Edition, 2003, pg. 325.
- Mulla, Principles of Mahomedan Law, (20th ed., Lexis Nexis Butterworths Wadhwa, 2013).
- Dr. H.D.Kohli, Muslim Law Cases & Materials (Universal Law Publishing Co., 2012).

WHO IS AN ILLEGITIMATE CHILD?

Before we go into aspects of the rights of an illegitimate child, we need to know who is considered to be an illegitimate child.

As per the Supreme court in the case of *JiniaKeotin v. Kumar Sitaram Manjhi*⁴, a child born out of lawful marriage is a legitimate child. But if the marriage is in contravention to the Section 5⁵ or Section 7⁶, of Hindu Marriage Act then the marriage will be either a void marriage under Section 11⁷ or voidable under Section 12.⁸ Moreover, if the child is born out of a live-in relationship then also it will be considered as an illegitimate child.

Ergo, it can be deduced that as per Hindu law the dependency of a child being a legitimate one depends upon the marriage i.e., the social standing of a child is dependent upon their parents. So, if the parents have not entered a lawful marriage and have bypassed the law then the child born out of that relationship will be stigmatized as an illegitimate child and hence has to suffer the consequences, with no fault of his/her own.⁹

RIGHTS CONFERRED TO ILLEGITIMATE CHILD UNDER HINDU LAW.

RIGHTS CONFERRED TO AN ILLEGITIMATE CHILD OF A SHUDRA.

The court's view on the rights of the illegitimate child of a shudra is that the illegitimate child of a shudra has a standing of a legitimate son and correspondingly is part of a family but he could not

⁴*JiniaKeotin v. Kumar Sitaram Manjhi*(2003) 1 SCC 730, 733.

⁵Section 5, Hindu Marriage Act 1955.

⁶ Section 7, Hindu Marriage Act 1955.

⁷Section 11, Hindu Marriage Act 1955.

⁸Section 12, Hindu Marriage Act 1955.

⁹*Supra I.*

obtain the ancestral property of his father.¹⁰ Moreover, the child cannot claim for partition until the time of his father's death.¹¹ Now, after the father's death But if a partition is made after the father's death, then he will be entitled to the equal share of the property.¹² It has been held that when both the legitimate and illegitimate son is entitled to the father's property then they both are the coparceners to that property¹³ and he has a right to claim the partition.¹⁴

RIGHTS CONFERRED BEFORE THE AMENDMENT TO THE LAW.

Before the amendment to Section 16 came into force the law was very narrowly interpreted. As per the old law, the requirement of a decree of nullity under Section 11 of HMA was condition precedent in order to get a status and rights of legitimate children. In the case of ThulasiAmmal v GouriAmmal¹⁵ the High Court was of the view that as per Section 16 when the decree of nullity will be granted then only the child born before the decree is granted will be considered as a legitimate child and if the decree is not granted then the provisions of this law cannot be invoked.

The reasoning illustrated by the court was that since the statute has defined the limits for the endowing the benefits then the court is bound by it.¹⁶ This view was also reiterated by various other High Courts.¹⁷ But after the amendment to the section, the law has been expanded and the court's have also expressed the same.

¹⁰Vellayappa v. Natarajan, (1931) 58 IA 402: 55 Mad 1.

¹¹Munnuswami v. Swaminathan, AIR 1953 Mad 25.

¹²Gurunarayandas v. Guruthaldas, AIR 1952 SC 225.

¹³Gopalakrishna v. DoraiBabu, (1984) 2 MLJ 221.

¹⁴ Gur Narain Das v. Gur Tahal Das, AIR 1952 SC 225.

¹⁵ThulasiAmmal v GouriAmmal 1964 Mad 115 ILR.

¹⁶*Id.*

¹⁷HanumanthaLaxshman v Dhondavabai Hanumanth 1977 Bom 191.

RIGHTS CONFERRED AFTER THE AMENDMENT TO THE LAW.

After the amendment to the law the common law doctrine i.e., the child born out of the marriage which is null and void ipso jure is illegitimate has been superseded.¹⁸ Further, it has not only granted the status to the child as a legitimate one but also has recognized their rights over their parents' property.¹⁹ Then, the Madras High Court in case of ThrumurthiRanayammal v ThrumurthiMuthamal²⁰ rejected the view propagated by the court in the ThulasiAmmal case,²¹ by stating that interpretation of the Section with respect to Section 11 would be inconsistent with the objective of the law i.e., the rights of an illegitimate child conceived out of a void marriage should be same as provided to the child born out of lawful marriage. Further Bombay high court also reiterated the same.²²

Then in the case of ParyankandiyalEravath v K. Devi ²³ where the constitutionality of the said section was dealt, the Supreme Court laid down that that the words “notwithstanding that a marriage is null and void”²⁴ as per Section 11 are not related to Section 16 of HMA i.e., Section 16 which grants legitimacy to the children begotten of the void marriages will function with full potency in spite of the provisions of Section 11. Moreover, they held that the Section 16(1) will function independently and is not unconstitutional and it does not distinguish between the illegitimate and the legitimate children²⁵ That is, they held that Section 16 is not ultra vires to the constitution.²⁶

The implications of this judgement are that now by virtue of fictio juris that the law has provided the children with the right to be a legitimate child even though the marriage is void or

¹⁸Justice Ranganath Mishra, Mayne's Treatise on Hindu Law and Usage, 15th Edition, 2003, pg. 325.

¹⁹*Id.*

²⁰Thirumathi Ramayammal&Ors v Thirumathi Muthammal&Ors. AIR 1974 Mad 321.

²¹*Supra* 15.

²²Shanta Ram v DagubaiAIR 1987 Bom 182.

²³ParayankandiyalEravathKanapravanKalliani Amma (Smt.) and Ors. v. K. Devi and Ors. (1996) 4 SCC 76.

²⁴Section 11, Hindu Marriage Act, 1955.

²⁵*Supra* 23.

²⁶*Id.*

voidable.²⁷ Then in the landmark case of *JiniaKeotin and Ors. v. Kumar Sitaram Manjhi and Ors.*²⁸ there was an extensive discussion on the rights conferred to the illegitimate children under Section 16(3), where the issue was what property rights are conferred to the illegitimate children. That is, whether property inculcates ancestral property, self-acquired property and the joint family property of parents or not.²⁹

The Supreme Court put forward a narrow view, where they stated that, as envisaged by the law there is no room to provide more rights to the illegitimate children than enshrined in the law.³⁰ The rationale behind the decision was that doing this would tantamount to modification of the provisions of already amended law in the name of interpretation. They held that the illegitimate children would not have right in the ancestral property.³¹ Further, judgements such as *Geetha(L) v Sekar(G)*³² also stated that they will have right only to possess their parents' property. The Bombay high court was also of the view that an illegitimate child can have a claim on the separate property of the father and not the coparcenary property.³³ In the *JinaKeotin* case,³⁴ the Supreme court also held that an illegitimate child can be considered as a coparcener but cannot claim the partition until the father's death.

Moreover, the courts drawing an analogy from this interpretation held that if father was only sole coparcener then the property would be considered as his own separate property and the illegitimate child would be able to get a partition of his share.³⁵ The same view was purported by various other

²⁷*Supra* 18.

²⁸*Supra* 4.

²⁹*Id.*

³⁰*Id.*

³¹*Id.*

³² *Geetha(L) v Sekar(G)* AIR 2001 NOC 109 (Mad).

³³ *Shantaram v Dagubai* AIR 1987 Bom 182.

³⁴*Supra* 4.

³⁵ *Vempati v Gouru Venkateshwara* AIR 2008 A.P. 207.

courts.³⁶Then the apex court in *Revansiddappa&Ors v. Mallikarjuna&Ors*³⁷expounded the reasoning behind the amendment to the law. They stated that while explicating the judgement the Court has to keep a view of the relationship between parents and children and should not intermingle with the relationship between the parents i.e., it has to be viewed independently.³⁸Ergo, even though the relationship is not valid still then the child conceived out of the relationship is innocent and is entitled to all the rights which a legitimate child has and therefore they have rights over the ancestral as well as joint property.³⁹ Hence, the purported a very wide view of the law.

Then the court expanding its interpretation of the law held in the case of *Vidyadhari v Sukhrana Bai*⁴⁰ that children born out of live-in relationships should be granted inheritance rights and the status of legal successor. Further, in case of *S PS Balasubramanyam vs Sruttayan*,⁴¹ the court stated that if a man and woman are cohabiting for a long period of time and are living under one roof then the court will presume that they live as husband and wife, under Section 114 of the Evidence Act⁴² and ergo the child conceived out of such a relationship will be considered as a legitimate one. The pre-conditions for such a kind of relationship is that it must not be a “walk in and walk out” relationship,⁴³and they have to be living under the same roof for a long period of time and have to be cohabiting with each other for a long time.⁴⁴

³⁶*Neelamma and Ors. v. Sarojamma and Ors.* (2006) 9 SCC 612;*BharathaMatha and Anr. v. R. Vijaya Renganathan and Ors.*, AIR 2010 SC 2685

³⁷*Revansiddappa&Ors v. Mallikarjuna&Ors*, (2011) 4 SCR 675

³⁸*Id.*

³⁹*Id.*

⁴⁰*Vidyadhari v Sukhrana Bai* AIR 2008 SC 1420.

⁴¹*S PS Balasubramanyam vs Sruttayan* AIR 1992 SC 756.

⁴²Section 114, Indian Evidence Act.

⁴³*Madan Mohan Singh v Rajni kant* 2010 9 SCC 209.

⁴⁴*Supra 41.*

RIGHTS CONFERRED TO ILLEGITIMATE CHILD UNDER MUSLIM LAW.

In the Muslim law, there are two modes of filiation i.e., the natural father but however, sometimes due to adoption a person gains rights as a natural father even though he is not the biological father.⁴⁵The other form of filiation is ‘acknowledgement of paternity’. The distinctiveness of the Muslim law is that when there is a doubt pertaining to the determination of the biological father then, the acknowledgement of the father validates the status of legitimacy to the child.⁴⁶

In the case of Muhammad Allahdad v. Muhammad Ismail,⁴⁷ the Court stated that where there is a doubt when determining the biological father because no establishment of marriage between the parents then, in that case, the ‘acknowledgement’ can be corroborated as evidence for determining the inheritance. The landmark case on the doctrine of acknowledgement is Sadik Hussain Khan v. Hashim Ali Khan,⁴⁸ in which the Privy council held in cases where there is ambiguity with of uncertainty with respect to the descent of a child then, in that case, an acknowledgement by the father will create a presumption of legitimacy until it can be proven that the acknowledgement of paternity of a child was of illegitimate descent.

The condition precedent for invoking this doctrine is that there is no conclusive proof of marriage. It assumes a lawful relationship between the parents of the child whose paternity has been acknowledged.⁴⁹ Further, the doctrine would not be applicable when the marriage required to prove the legitimacy of the child is invalidated.⁵⁰ Moreover, the father does not have to expressly acknowledge the paternity i.e., it can be presumed from the manner through which a father treats

⁴⁵ Mulla, Principles of Mahomedan Law, (20th ed., Lexis Nexis Butterworths Wadhwa, 2013).

⁴⁶ Kutty, Faisal, Islamic Law and Adoptions (June 20, 2014).

⁴⁷ Muhammad Allahdad v. Muhammad Ismail, (1888) 10 All 289.

⁴⁸ Sadik Hussain Khan v. Hashim Ali Khan, AIR 1916 PC 27.

⁴⁹ Dr. H.D.Kohli, Muslim Law Cases & Materials (Universal Law Publishing Co., 2012).

⁵⁰ Mohommad Khan Sahib v. Ali Khan Sahib, AIR 1981 Mad 209.

the child, could establish the acknowledgement.⁵¹ One of the crucial condition of the legitimacy of an acknowledgement is that there should not be impossibility between the physical relation of father and child and if there it is then that proof will be sufficient enough to rebut the acknowledgement.⁵²

Further, the Privy Council⁵³ held that where there is contention regarding the subsistence of the marriage between the parents, then, in that case, a mere acknowledgement will not be enough. The principle has been reiterated in, *Abdool Razack v. AGA Mohomed Jaffer Bindaneem*⁵⁴, where it was stated that when there is no evidence to show that they exist a valid marriage, then in that scenario mere admissibility of paternity will not be enough to determine the proof of legitimacy and the father has to prove it by the way of conduct i.e., the way he treats the child, as his own legitimate child.

In the Muslim law, the illegitimate child cannot inherit the father's property but as per the Hanafi law, both the mother and her illegitimate children have mutual rights of inheritance. In the case of *Pavitri v. Katheesumma*⁵⁵ the court took a very narrow interpretation and held that as per Mohammadan law the father of the illegitimate child has no burden and the law does not provide the illegitimate child with any right of maintenance but the Hanafis has recognized this as their duty to maintain the child up to the age of seven. Though there is no provision in the Muslim personal law pertaining to the maintenance of the child even then the child can seek maintenance under Section 125 CrPC⁵⁶ which has also been validated by various other courts in different cases.

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⁵¹*Golstaun v. Mirza Abid Hussain*, AIR 1924 Oudh 19.

⁵²*Zakir Ali v. Sograbi*, Indian Cases 883.

⁵³*Fatima Binti Hafidh v. The Administrator-General, Zanzibar Protectorate*, AIR 1949 PC 254.

⁵⁴*Abdool Razack v. AGA Mohomed Jaffer Bindaneem*, (1894) 21 Ind App 56.

⁵⁵*Pavitri v. Katheesumma*, AIR 1959 Ker 319.

⁵⁶Section 125, Code of Criminal Procedure.

⁵⁷*Sukha v. Ninni*, AIR 1960 Raj 163; *Pavitri v. Katheesumma*, AIR 1959 Ker 319.

CONCLUSION

The Indian Society is a society which is experiencing a transformative change which comprises of two types of individuals with two distinctive belief systems. First is a category of individuals who has faith in conservative ideologies, as per which conceiving an illegitimate child is considered as a taboo and is forbidden and being one is of far greater disgrace. The second category of individuals comprises those who are liberal and are open-minded people in their viewpoint and don't consider illegitimacy as a social disgrace. They don't stigmatize a child based on his/her being an illegitimate child. The laws in the general public are additionally being changed as needs be as the time and the circumstance requests.

Children born out of a relationship which is not validated in the eyes of law, regardless of the present contemporary society has to endure social disgrace and this affects their status in the public eye. In our country, the public still victimizes such children. Even though the jurisprudence has been changed but even then, due to deeply entrenched religious values and thinking, society is not progressing and accepting these children, which the law has recognized as legitimate children. Moreover, it appears to be uncalled for that such children are not granted the rights to have a share in their parents' property.

Though the courts in various decisions have tried to provide them property rights but still in many decisions they took a very narrow interpretation of the law while expounding their judgement. Every court while expounding their judgement, should have kept in view the rationale of the court in the case of *Revansidappa v. Mallikarjuna&Ors*⁵⁸ where the apex court stated that with changing social standards of legitimacy in societies like our own, what was considered to be illegitimate earlier might differ from what is considered illegitimate today. The illegitimacy as a concept originates from social conformation in which society plays an essential role.

Over a period, a prevailing norm loses its value with consistently evolving socio-economic relationships. Law takes time to evolve to encompass these changes by a way of amendments. That is the reason why in such a continuously evolving society law can't afford to remain stagnant. If

⁵⁸*Supra* 37.

one takes a glimpse of the historical backdrop of the advancement of Hindu Law, it will be certain that it was never stagnant and has changed continuously to encompass these ever-changing social norms.

Though Hindu law provides right to the illegitimate children, other personal laws are silent on this. As mentioned above Muslim law does not entail any obligation on the biological father to maintain his illegitimate children and the law does not even talk about their inheritance rights because it was that by not entailing the rights to the illegitimate child, the public would refrain to enter into such kind of relationships and would impose a strict rule of norms that the society should ideally follow.

Ergo, it can gather that this the lacuna in the law which needs to be filled as there is a requirement of progressive and a liberal society where the illegitimate child is not being disgraced and being robbed of their constitutional right of having a share in their parents' property.

BIBLIOGRAPHY & REFERENCES

STATUTES

- Section 5, Hindu Marriage Act 1955.
- Section 7, Hindu Marriage Act 1955.
- Section 11, Hindu Marriage Act 1955.
- Section 12, Hindu Marriage Act 1955.
- Section 16, Hindu Marriage Act, 1955.
- Section 114, Indian Evidence Act.
- Section 125, Code of Criminal Procedure.

BOOKS

- Justice Ranganath Mishra, Mayne's Treatise on Hindu Law and Usage, 15th Edition, 2003, pg. 325.
- Mulla, Principles of Mahomedan Law, (20th ed., Lexis Nexis Butterworths Wadhwa, 2013).
- Dr. H.D.Kohli, Muslim Law Cases & Materials (Universal Law Publishing Co., 2012).

ARTICLES

- Kutty, Faisal, Islamic Law and Adoptions, Valparaiso University Law School Legal Studies Research Paper Series (June 20, 2014).
- Legitimacy of Barstardisation Law- A Critical Overview, by Lakshmi Shanthakumar.

CASES

- JiniaKeotin v. Kumar Sitaram Manjhi (2003) 1 SCC 730, 733.
- Vellayappa v. Natarajan, (1931) 58 IA 402: 55 Mad 1
- Gur Narain Das v. Gur Tahal Das, (1952) 2 MLJ 251.
- ThulasiAmmal v GouriAmmal 1964 Mad 115 ILR
- HanumanthaLaxshman v Dhondavabai Hanumanth 1977 Bom 191.
- Thirumathi Ramayammal&Ors v Thirumathi Muthammal&Ors. AIR 1974 Mad 321.
- Shanta Ram v DugubaiAIR 1987 Bom 182.

- ParyankandiyalEravath v K. Devi (1996) 4 SCC 76.
- Munnuswami v. Swaminathan, AIR 1953 Mad 25.
- Gurunarayandas v. Guruthaldas, AIR 1952 SC 225.
- Gopalakrishna v. DoraiBabu, (1984) 2 MLJ 221, 225.
- Abdool Razack v. AGA Mohomed Jaffer Bindaneem, (1894) 21 Ind App 56.
- Sukha v. Ninni, AIR 1960 Raj 163;
- Pavitri v. Katheesumma, AIR 1959 Ker 319.
- BharathaMatha and Anr. v. R. Vijaya Renganathan and Ors., AIR 2010 SC 2685
- Revansiddappa&Ors v. Mallikarjuna&Ors, (2011) 4 SCR 675
- Vidyadhari v Sukhrana Bai AIR 2008 SC 1420.
- S PS Balasubramanyam vs Sruttayan AIR 1992 SC 756.
- Madan Mohan Singh v Rajni kant 2010 9 SCC 209.
- Muhammad Allahdad v. Muhammad Ismail, (1888) 10 All 289.
- Shantaram v Dugubai AIR 1987 Bom 182.
- Vempati v Gouru Venkateshwara AIR 2008 A.P. 207.
- Sadik Hussain Khan v. Hashim Ali Khan, AIR 1916 PC 27.
- Mohommad Khan Sahib v. Ali Khan Sahib, AIR 1981 Mad 209.
- Geetha(L) v Sekar(G) AIR 2001 NOC 109 (Mad).
- Golstaun v. Mirza Abid Hussain, AIR 1924 Oudh 19.
- Zakir Ali v. Sograbi, Indian Cases 883.
- Neelamma and Ors. v. Sarojamma and Ors. (2006) 9 SCC 612;
- Fatima Binti Hafidh v. The Administrator-General, Zanzibar Protectorate, AIR 1949 PC 254.