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Doctrine Of Blending And The Characterization Of Property Under Hindu Law: An Analysis Of The Supreme Court's Decision

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Abstract

In Hindu law, the doctrine of blending refers to an intentional positive act by which the owner of self-acquired property intends that it be treated as joint family property. For such an intention, the owner must abandon all personal claims over such property and make it open to the family members. This doctrine has now found its way through the interpretation given by the Supreme Court in *Angadi Chandranna v. Shankar & Ors.* (2025 INSC 532) in answering conflicts that arise on the nature of property in a joint Hindu family.

The dispute in this case was founded on the argument that the property now in issue had been purchased by the father after partition and hence it was ancestral. They contended that the same had been acquired by use of joint family funds and was therefore subsumed within coparcenary rights. The Supreme Court dismissed these submissions, saying that it was self acquired because no evidence was forthcoming to show a joint family nucleus in regard to the property or the father's intention to blend the property into the pot. The Court further criticized the High Court for going beyond its jurisdiction under Section 100 of the Code of Civil Procedure in reappreciating evidence without a substantial question of law.

This paper explores the implications of the Supreme Court judgment concerning the doctrine of blending, standards of evidence for ancestral property, and the limitations of appeal. It finds the Court's focus on intention and evidences in characterizing property providing the contours of a continually evolving Hindu property law and its intersection with the procedural safeguards.

Keywords- Joint Hindu family, property, ancestral property, self-acquired property, Hindu Succession.

Introduction

The essential aspect of the doctrine of blending under Hindu law, which constitutes a serious marker as to whether a self-acquired property has voluntarily transformed itself into that of the joint family. In cases, often associated with joint disputes among Hindu families, the character of emotive or otherwise property refers directly to the prescribed rights and obligations of people comprising the family unit. By the Supreme Court

decision made in *Angadi Chandranna v. Shankar & Ors*¹, the study investigates the doctrine of blending along with evidence burden for one to prove whether property is ancestral or self-acquired property. The dispute was regarding a property acquired by a father after partition in the family. The plaintiffs, being coparceners, contended that the property was ancestral and that it was sold without their consent, which has diminished their rights. While the other party said that it was self-acquired and transferred validly. The Supreme Court's ruling leaned towards the authenticity of clear intention and evidence to invoke the doctrine of blending but also emphasized reiteration of the procedural limit open to appeal courts by the ambit of Section 100 of the Code of Civil Procedure, 1908.

This study attempts to open the following research question:

Such interpretation of the doctrine of blending by the Supreme Court in *Angadi Chandranna v. Shankar & Ors*. has a far-reaching impact on the characterization of property under Hindu law besides having significant implications on evidentiary standards and appellate jurisdiction in property disputes.

This would enable one to understand the complex dynamics between substantive and procedural law, a platform from which one can appreciate the field of Hindu property law within this judicial context.

Background

The case of *Angadi Chandranna v. Shankar & Ors*² concerned the question of the title and nature of Sy. No. 93 (7 acres, 20 guntas) set on Mahadevapura Village, Karnataka. The property in question was purchased by the appellant, Angadi Chandranna (Defendant No. 2), in 1993 through a registered sale deed from Defendant No. 1. The property since then was a joint family property and was given to Defendant No. 1's elder brother, C. Thippeswamy, in a partition deed of 1986. Defendant No. 1 bought the property back from his brother in 1989. Later, the plaintiffs (Defendant No. 1's children) filed suit for partition claiming that the property was ancestral and sold without their consent.

The case has a complicated procedural history involving varied judgments through the multiple forums. While the Trial Court in 2001 decreed in favor of the plaintiffs, holding the property to be ancestral and liable to partition, the First Appellate Court, in 2006, reversed the same, holding that the property was self-acquired by Defendant No. 1. The High Court, however, in 2021, restored the judgment of the Trial Court on the premise of the doctrine of blending holding that the property had been mixed with the joint family assets. The appellant held to the contention that the property was self-acquired; that it had been purchased with Defendant No. 1's own funds and a loan taken from DW3 Narasimhamurthy. He maintained that there was no evidence to establish that the property was part of a joint-family nucleus or that it was voluntarily blended with the family assets. He went so far as to argue, against the High Court's jurisdiction under Section 100 of the Code of Civil Procedure, that it had erroneously re-evaluated the evidence. The respondents, on the other hand, maintained that it had been purchased with joint-family funds and that it therefore retained its ancestral character. They argued for the application of the doctrine of blending, asserting that the property had become blended into the joint family property and the plaintiffs were entitled to partition. They also justified the High Court's so interfering for reasons of procedure and substance.

The Supreme Court held that the suit property was self-acquired since there was no evidence of a joint family nucleus or voluntary blending. The Court stated that, for the respondents to be able to prove the ancestral character of the property, the onus was upon them which they did not discharge. The Court has also clarified that there should be a clear intent to relinquish personal ownership, which was lacking in this case, for the doctrine of blending to come into play. The Court went on to criticize the High Court for having acted beyond its power under Section 100 CPC by re-appreciating facts and evidence absent any substantial question of law, thus restoring the judgment of the First Appellate Court, affirming the transfer of the property in favor of the appellant.

The respondents contended that the property was bought together with money received out of joint family income, including money received from partition and money advanced by their grandmother. They submitted

¹ 2025 INSC 532.

² *Ibid*

that under Hindu law, ancestral property retains its character for male heirs even after partition, into whose hands it has come. They further argued that Defendant No. 1 was in no position to purchase the property for himself and had no legal necessity to sell it, which would make the transaction void. The appellant, on the other hand, stated that there was no evidence that supported the existence of a joint family nucleus or that the property was ever blended into family assets. The appellant contended that the High Court had acted in excess of jurisdiction under Section 100 of the Code of Civil Procedure (CPC) by entering into re-evaluation of the evidence which is a matter only for the trial and appellate courts.

The Supreme Court analyzed the arguments and highlighted the principles governing the doctrine of merging and the scope of appellate review under section 100 CPC³. It held that the respondents had failed to prove that any family fund was utilized in the purchase of the property. The Court declared the property held as a self-acquisition and ruled that the High Court had improperly reassessed the evidence without having identified a substantial question of law. The Supreme Court, thus, restored the First Appellate Court's judgment, thereby validating the sale for property to the appellant.

The High Court's jurisdiction under Section 100 CrPC⁴ over second appeals is strictly limited to matters wherein a substantial question of law arises. This provision exists so that the High Court should not operate as a fact-finding court acting contrary to findings of fact by the trial court or the first appellate court-there being no substantial error in the application or interpretation of legal principles. Thus a "substantial question of law" is not just any legal question, but one where there is considerable debate in the legal community or where the lower courts have wrongly applied or misconstrued the law to the extent that it amounts to a miscarriage of justice. For example, this includes errors such as misinterpretation of statutory provisions or principles of res judicata or a total failure to appreciate binding judicial precedents. Likewise, if the lower courts base their findings on evidence, such findings having a degree of plausibility even if not the sole possible conclusion, interference by the High Court by way of a second appeal is not permissible.

Under Section 103 CPC⁵, the High Court must determine facts in a limited circumstance where lower courts have failed to find an essential fact despite the presence of the evidence. Such power can thus be exercised only after the High Court has raised a substantial question of law that demands its interference; this really illustrates the rarity with which the High Court is called upon to intervene in factual findings. For instance, in matters of Hindu joint family property, claimant responsibility is to prove the existence of a nucleus such as ancestral property or income which could have been used to acquire the disputed property. Without such proof of the nucleus generating surplus, the property will be presumed to be self-acquired. If only it proves a nucleus, the burden is shifted to the other side to prove that the acquisition was not made out of the joint family funds. This phenomenon of blending also applies here, wherein a self-acquired property can be converted to joint family property when voluntarily shared with the family. This, however, demands an unequivocal expression of the intention and conduct of the owner.

In the present case, the First Appellate Court dismissed the suit after the evidence was evaluated because it found that the plaintiff failed to meet the applicable legal standards. Despite an absence of a substantial question of law having been either framed or identified, the High Court proceeded to reverse the said order by way of a reappreciation of the evidence. This is contrary to a well-settled principle whereby the High Court in its second appellate jurisdiction cannot act as a court of facts. The Supreme Court has time and again laid emphasis that the interference of the High Courts would be justified only when there has been gross illegality or non-application of well-settled principles of law and not for reappreciation of evidence or substituting its findings for those of the lower courts. This stands as a clear proof for the need for adherence to procedural bars embodied under Section 100 CPC in maintaining the hierarchy of courts and dispensing justice within the legal framework.

³ Section 100, Code of Civil Procedure, 1908: This section addresses the High Court's powers in second appeals regarding substantial questions of law.

⁴ "Section 100, Code of Criminal Procedure, 1973: Power of police to search without warrant."

⁵ "Section 103, Code of Civil Procedure, 1908: Power of High Court to determine issues of fact."

Without-the-suit land was alleged by the plaintiffs to have been purchased by Defendant No.1 out of family funds. They put forward that the funds included income from lands allotted to Defendant No.1, earnings from coolie work, a sum of Rs.10,000 received at the time of partition, and proceeds from the sale of property by their grandmother, Mallamma. On these allegations, the plaintiffs-once more on the suspicion that the property should be considered ancestral and that they therefore have rights as co-parceners-contended for the suit property. However, as per Hindu law, properties that are divided among family members in a partition and allotted to individuals become the self-acquired properties of such individuals. They suddenly cease to have the character of joint family property and the respective allottees may deal with such self-acquired properties according to their own wish. According to the partition deed in this case, the defendants, along with their brothers, were in absolute ownership of their granted shares and could sell, lease, or encumber the same in any manner they so wished. The partition deed (Ex. P1), which was left uncontested by the plaintiffs, demonstrated that the suit property was originally allotted to C. Thippeswamy, who is the brother of Defendant No.1. Lands were allotted to Defendant No.1 elsewhere, and thus through a sale deed executed by Thippeswamy in 1989, the suit property came into possession of Defendant No.1. Defendant No.1 stated in his defense that he had purchased the property out of his own money and through a loan from DW3, Narasimhamurthy. There were corroborative statements from different witnesses-about the fact of purchase of property-it would appear. There was a failure on the part of the plaintiffs to establish that the income from joint family properties was utilized to acquire the suit property. Even the oral testimonies of PW1 and PW2 were inconsistent and contrary to the contents mentioned in the partition deed. Further, the plaintiffs did not dispute the sale, or any other transactions entered into by Defendant No.1, thereby further weakening their case. In fact, the evidence revealed that Defendant No.1 did act responsibly with his properties and land sales to discharge his family obligations, which is in accord with him being the Karta.

The trial court having intermeddled with a fact-finding inquiry in the second appeal, which goes beyond the purview of the jurisdiction vested in it under Section 100 CPC⁶, committed an error. It failed to appreciate the fact that the suit property was purchased in 1989, three years after partition, and whimsically presumed an ancestral contribution based on disproved allegations made by the plaintiffs. Such departure from procedural and evidentiary norms ultimately led to an injustice. At the very end, however, the evidence on record clearly established that Defendant No.1 purchased the suit property with his personal funds making it his self-acquired property. Hence, the said Defendant No.1 was entitled to execute the sale deed in favor of Defendant No.2. The transaction was justifiable inasmuch as it promoted the general welfare of the family and supports the conclusion that the suit property is not of an ancestral nature.

Under Hindu law, in a joint family, a member is permitted to voluntarily blend his/her self-acquired property with the joint family property. But for this metamorphosis, there must be a clear and absolute intention to part with the separate ownership. An act of blending cannot be presumed merely because the other members of the family use the property or the owner has displayed generosity by sharing, say, revenues of the property to help family members; such acts, unless proceeding from an express declaration that the property should be treated as joint family property, are not acts of blending. There are strong judicial precedents which, while laying down the principle in *Lakkireddi Chinna Venkata Reddy v. Lakkireddi Lakshamama*⁷ (1964) and *K.V. Narayanan v. K.V. Ranganandhan*⁸ (1977), hold that there must be really strong evidence of there being a relinquishment of separate rights. Merely by allowing use and/or failure to account separately cannot do so. The intention to convert the self-acquired property into joint family property has to be expressed and beyond doubt. Under current circumstances, the suit property acquired by the first defendant from C. Thippeswamy is a separate one being different from the one that was alleged to have been received through a will. The plaintiffs did not prove that the property obtained through the will was blended with joint family property or that its income was used to acquire the suit property. The High Court mistakenly invoked the doctrine of

⁶ Section 100, Code of Civil Procedure, 1908: This section addresses the High Court's powers in second appeals regarding substantial questions of law.

⁷ 1964 (2) SCR 172.

⁸ 1977 (1) SCC 244.

blending on irrelevant authorities and re-appreciated evidence without framing a substantial question of law as prescribed under Section 100 of the Code of Civil Procedure, 1908.

The Supreme Court held the High Court's decision to be untenable for not applying the principles governing the doctrine of blending. The case stresses the importance of clear intent and evidence in property disputes in Hindu law, so that acts of kindness or generosity are not mistaken as legal obligations to blend properties.

Importance of the Doctrine of Blending in Hindu Law

The doctrine of blending holds much significance within Hindu law, especially in the field of joint family property. It allows for the conversion of self-acquired property into joint family property under certain conditions. The importance of the doctrine blends can be observed from multiple perspectives:

1. Protecting the Rights of Coparceners:

When any member of the joint family very voluntarily mixes self-acquired property with that of the joint family by virtue of a willful act or otherwise, the doctrine of blending interposes as a protective shield in the preservation of the rights of other coparceners. It bars one member from unfairly depriving the others from a reasonable share of the property, which may for all purposes be considered as part of the family assets.

2. Unity and Integrity of the Family:

Through the doctrine of blending, the concept of family unity is fortified in so far as the property which originally may have been self-acquired is made available for the general good of the family. This engenders a feeling of shared responsibility and solidarity rather than individual ownership among family members.

3. Legal Recognition of Family Dynamics:

One of the distinct features of Hindu law is its recognition of the peculiar nature of family property, where the property may be shared informally or voluntarily. Hence, the doctrine of blending finds application in legalizing these informal agreements wherein a self-acquired property is considered joint property by virtue of the conduct and intention of the members of the family.

4. Clarification of Property Rights:

By allowing self-acquired property to be blended or mingled with joint family property, the doctrine comes to the help of perplexing property rights. The doctrine thereby furnishes a clear legal basis whereby disputes may be settled in order that the character of the concerned property may be considered in the light of the intent and conduct of the parties thereto.

5. Promotion of Family Cooperation:

The doctrine also encourages cooperation among family members by implying that self-acquired property may be voluntarily contributed into the pool of the joint family. In fact, this creates an atmosphere of trust and respect amongst families, which can be very instrumental in ensuring peace within a joint family.

Challenges in Applying the Doctrine of Blending

While the doctrine of blending is crucial in determining property rights in Hindu joint families, its application presents a number of challenges:

1. Proving Intent:

It becomes one of the prime challenges to prove intent in the application of the doctrine to blend self-acquired property with the joint family property. More often than not, the courts have demanded a clear unequivocal expression of intention, which may be difficult in practice to prove. Sharing income generated out of the property with members of the joint family, or even permitting the use of the property by family members, may ordinarily not be sufficient to demonstrate a clear intention to blend the property.

2. Lack of Clear Evidence:

In many cases, prima facie evidence is insufficient to prove that the blending has occurred. The challenge in proving that self-acquired property has turned into joint family property is usually due to an absence of proper documentation or any form of recording thereof. Such cases tend to become protracted litigations where the late courts have to determine their judgment on indirect evidence or testimonies, which cannot always be considered as conclusive.

3. Property Characterization Disputes:

Disputes chiefly arise on whether an estate has been self-acquired or ancestral. This is where the blending doctrine works in a grey area and families might contest the ownership and origin of a property—which catalyzes further complications for instance when property changed hands a number of times and tracing its original ownership and intentions of transfer became impossible.

4. Burden of Proof:

The party claiming the presence of blending property into joint family assets bears the burden of proof. This situation creates a disadvantage for the members of the family if they have no proper evidence to prove the matter or if the transaction occurred many years ago. In other words, there are situations wherein an asserting party for blending genuinely believes the land to be that of the joint family but loses out on the case just because he cannot really prove it.

5. Judicial Interpretation and Procedural Issues:

An impediment that stems from interpreting the doctrine involves judicial application. Courts may indeed interpret the law differently, and the doctrine is thus inconsistently applied to different cases. Sometimes, appellate courts may illegally assume jurisdiction under Section 100 of the Code of Civil Procedure when such issues demand from them a re-appraisal of facts and evidence, as seen in *Angadi Chandranna v. Shankar & Ors.* Such procedural errors invoke delays in justice and confusion concerning the application of the doctrine.

6. Lack of Legislative Clarity:

Lack of comprehensive statutory enactments to address the doctrine of blending leaves the courts to interpret it under case laws and customary principles of Hindu law. Such a lack of clarity may create discrepancies in legal proceedings as varying courts may apply the doctrine differently upon their interpretation.

Conclusion:

The case of *Angadi Chandranna v. Shankar & Ors.* is a vital precedent for clarifying the stance of doctrine of blending in Hindu property law. The Supreme Court decision insists on the need for clear intent and even more predominant evidence to impair that self-acquired property had been blended with joint family property. The Court further highlighted the limitation of appellate courts to reassess evidence under Section 100 of the Code of Civil Procedure, 1908 and as far as intention is concerned, sharing of property or use of it by a family does not legalize the conversion from self-acquired to joint family property unless there is an intention that is so clear that it could not be otherwise interpreted to deny separate ownership. Thereby, the judgment also comes to a few significant conclusions regarding the burden of proof in property disputes, mainly where property classification is in question under Hindu law. It stated that a person claiming a property to be ancestral must prove that it is indeed ancestral, which includes demonstrating that the property was treated with joint family funds.

Suggestions

The application of the doctrine of blending must be viewed with extreme caution in a circumstance where a party invoking the doctrine fails to establish clear and convincing proof of a voluntary mixture of property. Courts should ensure that adequate proof of intent exists before making the determination that self-acquired property has been mingled with the joint family property. On the other hand, courts should continue to maintain that self-acquired property remains separate unless very strong evidence of intent to blend it with the joint family property exists. This is in consideration of preserving individual property rights and preventing groundless assertions, which lack the necessary legal basis, of blending. Legal practitioners have a key role to play in counseling their clients to have any indications or acts of blending property formally documented. Such documentation may include formal written agreements, statements of intent, or any other form of tangible evidence that will avert any kind of ambiguity and thereby provide clarity in any future disputes concerning property.

Moreover, it may be worth considering that further judicial precedents or statutory amendments be explored to clarify the perimeters of blending in law. With the continuing evolution of interpretations of the doctrine in the courts, such clarifications would provide a more consistent and predictable framework for property rights in joint families.

