COURT OF THE SUB-COLLECTOR, ATHAMALLIK

Mutation Appeal No. 03 of 2025

(Against the order dated 15.11.2014 of the Tahasildar, Kishorenagar in Mutation Case No. 655/2014)

Basanti Raul … Appellant v. Legal heirs of Kishore Chandra Pradhan and Tahasildar, Kishorenagar … Respondents

Decided on 17 December 2025

Mutation by succession – Daughter suppressed – Hindu Succession (Amendment) Act, 2005. A mutation obtained by a son claiming to be the "only son" while concealing a living daughter rests on suppression of a legal heir. A daughter is a coparcener by birth with the same rights as a son (*Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1). The RoR must be corrected to include her. Delay was condoned earlier.

Result: Appeal allowed. Mutation order set aside; appellant to be recorded as a joint sharer.

ORDER

17.12.2025

1. The case is taken up for final hearing. Perused the appeal petition, the Para-wise Comments (PWC) submitted by the Tahasildar, Kishorenagar, and the written statement filed by the Respondents.

2. Appellant's Submission: The Appellant, Basanti Raul (79 years), daughter of the late Dinabandhu Pradhan, challenges the order dated 15.11.2014 in Mutation Case No. 655/2014. She contends that her brother, the late Kishore Chandra Pradhan, obtained the mutation by fraudulently claiming to be the "only son" and concealing her existence. She relies on a Legal Heir Certificate obtained in 2023 and her Aadhaar card as proof of her status as a daughter and legal heir

3. Respondents' Submission: The Respondents (heirs of Kishore Chandra Pradhan) admit that the land originally belonged to Dinabandhu Pradhan. They argue that the mutation in 2014 followed due process, including public notices to which no objections were raised at the time. They further contend that the appeal is barred by significant delay

4. Tahasildar’s PWC: The Tahasildar, Kishorenagar, maintains that Mutation Case No. 657/2014 was disposed of following the Odisha Survey and Settlement Rules and the Mutation Manual, based on the inquiry report of the R.I. Bamur, which at the time identified Kishore Chandra Pradhan as the sole successor.

Legal Framework

5. Rule 42 of the Orissa Mutation Manual: This appeal is preferred under Rule 42, which allows for the correction of entries when an aggrieved party demonstrates that a mutation was obtained through irregularity or suppression of facts.

6. Section 5 of the Limitation Act: While the Respondents argue delay, the court previously condoned the delay on 24.10.2025, noting the Appellant’s age (79), health issues, and the alleged

fraudulent concealment by her brother

7. Observations & Findings: The core issue is the suppression of a legal heir. It is established that the late Dinabandhu Pradhan died leaving behind both a son and a daughter. The mutation in Case No. 657/2014 was predicated on an affidavit by the son stating he had "no brother or sister".

8. Under the Hindu Succession (Amendment) Act, 2005, and as affirmed by the Hon'ble Supreme Court in Vineeta Sharma v. Rakesh Sharma (2020), a daughter is a coparcener by birth with the same rights as a son. Any mutation obtained by suppressing a legal heir is void ab initio. The Tahasildar's reliance on an inquiry report that failed to identify a living daughter constitutes a procedural irregularity that necessitates correction of the Record of Rights (RoR

9. In view of the above, the order dated 15.11.2014 passed by the Tahasildar, Kishorenagar, in Mutation Case No. 657/2014 is hereby SET ASIDE.

10. The Tahasildar, Kishorenagar, is directed to restore the case and implead the Appellant, Basanti Raul, as a legal heir.

11. The RoR for Holding No. 7 of Mouza Pipalmunda shall be corrected to include the name of the Appellant as a joint sharer/coparcener alongside the legal successors of the late Kishore Chandra Pradhan

12. Prounounced in open court on this 17th December 2025.

Sd/-
Sub-Collector, Athamallik

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