

Joint Family of Udayan Chinubhai Etc. v. Commissioner of Income-tax, Gujarat

Civil Appeals Nos. 946 to 948 of 1965

[1967] 1 SCR 913 | 1966-10-14

Finality of an order recognising an HUF partition and the inability to use reassessment to revive the previously recognised family status.

Indian Income-tax Act, 1922: sections 25A(1), 25A(3), 33B and 34

3-judge bench | J. C. Shah, J. | V. Ramaswami, J. | V. Bhargava, J.

Assessment years: 1951-52, 1952-53, 1953-54

Historical section 25A order

The holding concerns the legal effect of an order under section 25A(1) of the 1922 Act. It does not by itself establish the effect of any partition or reopening under current law.

01 FACTS OF THE CASE

Sir Chinubhai Madhavlal, his wife Lady Tanumati and their three sons had been assessed as an HUF. A 1950 Bombay High Court consent decree declared the family dissolved from 15 October 1947, allotted Sir Chinubhai a separate share, and vested other properties in the wife and sons in equal shares as tenants in common. On 6 January 1953 the Income-tax Officer accepted the section 25A application and directed separate assessment of the two groups. A different officer later invoked section 34 for AYs 1951-52 to 1953-54 to assess the wife and sons together as an HUF. The appellate authorities disagreed, and the Gujarat High Court ultimately answered the reference for Revenue.

Source: [Partition decree, section 25A order and reassessment: SCR pp.914-916 / PDF pp.2-4](#)

02 DISCUSSION BY THE HON'BLE COURT

Section 25A(1) could recognise a partition in definite portions between groups of family members; complete metes-and-bounds division among every individual was not essential where the nature of the property and group allocation satisfied the provision. Sir Chinubhai's portion was fully separated from the portion allotted to the other four, and the decree itself made those four tenants in common rather than members of a continuing HUF. Once the competent officer recorded the section 25A order, section 25A(3)'s fiction continuing the pre-existing HUF ceased to apply. Although ordinary annual assessment findings do not operate as res judicata, a section 25A(1) order was inherently effective for subsequent years and could not be ignored through section 34. Any reconsideration required action by the competent authority under section 33B.

Source: [Group partition and definite portions: SCR pp.916-918 / PDF pp.4-6](#); [Finality of section 25A order and limits on section 34: SCR pp.918-920 / PDF pp.6-8](#)

03 JUDICIAL DECISION

The Court answered the referred question in the negative, holding that the impugned HUF reassessments were not correctly made. It allowed the assessee's appeals with costs in the Supreme Court and High Court, one hearing fee.

Source: [Answer and operative relief: SCR p.920 / PDF p.8](#)

04 OUTCOME / IN WHOSE FAVOUR

In favour of the assessee. The earlier partition-recognition order could not be bypassed by reassessing the same persons as the original HUF under section 34; Revenue's route, if available, lay through competent revision of that order.

Source: [Assessee outcome and procedural limit: SCR pp.918-920 / PDF pp.6-8](#)

05 AKHB REVIEW POINT

AKHB analysis: distinguish an annual assessment finding from a status-recognition order that the governing statute makes operative across years. Preserve the partition decree, schedules, section 25A application and order, and confirm whether the later proceeding directly or indirectly seeks to undo that order. Before using the decision today, identify the current statutory successor provisions and available review, revision or reopening route.

Source: [AKHB analysis source: SCR pp.916-920 / PDF pp.4-8](#)

SOURCE & VERIFICATION

[Supreme Court Reports scan - public eSCR mirror](#)

Full eight-page SCR source file read. The editorial headnote on PDF pp.1-2 was distinguished from the unnumbered judicial text beginning on PDF p.2; there is no neighbouring judgment text in the file.

[Open cited source rendition](#)

Exact source bytes, SHA-256 and eight-page count match catalogue asset 1967_1_913_920; all eight pages were read.

The report verifies Civil Appeals Nos. 946 to 948 of 1965, the decision date 14 October 1966 and the three-member bench.

The existing 1996 Udayan Chinubhai note concerns a different later Supreme Court decision; no duplicate of this 1966 judgment was found by citation, case number, date or source hash.

STATUTORY SCOPE

The decision interprets the partition-recognition and reassessment machinery of the Indian Income-tax Act, 1922. Current HUF partition recognition, reopening and revision rules under later enactments have not been mapped or verified.

LATER TREATMENT

Source checked 2026-10-10. Later judicial treatment and present statutory applicability have not been comprehensively checked; no current citator clearance is represented.

AI DISCLOSURE

AI-assisted research. The AKHB Review Point is editorial analysis, not part of the Court's judgment.

PROFESSIONAL DISCLAIMER

AI-assisted legal research note for general information and professional research. It is not legal or tax advice. Verify the original judgment, applicable statutory version and subsequent judicial treatment before relying on it. The AKHB Review Point is editorial analysis, not part of the Court's judgment.