



B.B. MITRA, THE INDIAN SUCCESSION ACT (2006). By S. A. Kader (Ed.), Eastern Law House, Daryaganj, New Delhi-110002. Pp. 88+727. Price Rs. 675/-

REVISING A masterpiece in legal literature, especially in an area where the legal propositions are rather well settled, is like flogging a dead horse. The publishers should firstly be congratulated for having undertaken this risky assignment. B B Mitra's commentary on the Indian Succession Act, 1925 is, without doubt, a legal classic. The book, in its original edition was published almost coinciding with the coming into force of the Act. Mitra was a leading doyen of the Calcutta Bar in his times. It is a fitting tribute to that great Bar that many masterful works including the one in question have been written by its illustrious members. It is unfortunate that contributions to Indian legal scholarship have, over the years, dried up from the eastern region.

Nonetheless, a journey through the fourteen editions of this book will give the reader a comprehensive picture of the evolution of succession law in India. Initially, the book started as a commentary on the Indian Act with reference to foreign decisions. As Indian law started growing on its own, the book was revised by the learned author to incorporate decisions of Indian courts into the book. It would not be out of place to mention here that the book, in its earlier editions, was dominated by case law from Calcutta courts. But over time, the book evolved into a treatise covering the nitty-gritties of an aspect of law that has been the staple diet of many a civil lawyer till a couple of decades ago.

The relevance of a new edition poses interesting questions. Young lawyers of today do not take any particular interest in trial court litigation. Trial courts are, at the best, stepping stones in the direction of the High Courts and Supreme Court. They tend to take interest in appellate and writ matters. A book of this kind is more useful to trial lawyers with keen interest in property and allied laws. The last edition of this book (the one before the 2006 edition) came in 1996. A cursory look at the book tells us that not much has been added in terms of substantive content. This is owing to the fact that the law itself was well settled long back and has not undergone sea change in the last decade. The only amendment worth its name happened in 2002, which has been given adequate attention in this book.

Carefully analysed, it appears that the updating of post-1996 case law has been very frugal. As mentioned earlier, it cannot be ascertained whether this is due to the dearth of case law in this area or lack of research. Most of the recent decisions cited are Madras High Court decisions, which, the



author being a former Madras High Court Judge, would be well acquainted with. Most other notable decisions are Supreme Court decisions. This does not take anything away from the efforts of Kader J in analysing the said decisions. A notable illustration is the discussion on *Bhaskaran v. Suresh*.<sup>1</sup> The author discusses in some detail the salient features of this decision where the apex court held that the execution of a codicil has to be proved in the same manner as the execution of a will is proved. The same decision also approved the attestation of a will by the registrar. Another example can be the discussion on 'suspicious circumstances', which disprove a will at p. 133. The main additions have been mentioned on the cover of the book.

The first few editions lived up to the expectations of a commentary on succession law. As the law became well established, the need for an updated commentary was diminished. Thereafter the book has been updated periodically (though the book was last updated in 2006) with case law but not supported with intuitive commentary. As far as the other aspects of the book are concerned, it has to be said that all in all it is a nice package. The list of cases are exhaustive and the index very helpful. The book has five appendices. The first appendix has been retained from the first edition and it contains all the model forms. These forms are a bit outdated in terms of the language used and the format adopted. The foreign names given in these forms give the book a touch of nostalgia. But young readers may not identify with the language. The next two appendices are the Act itself and its 2002 Amendment, respectively. The fourth and fifth appendices are new additions and comprise of writings by the author.

To conclude, the book is essential for any person wishing to understand the intricacies of succession. Without doubt, one of the best books on the subject. But for those who can't afford a new book, they can buy the earlier editions and supplement with Supreme Court decisions that are easily available nowadays.

*Shyam D. Nandan\**

---

1. (2004)2 LW 355.

\* Advocate, Delhi.