

News

Every word matters: The Supreme Court criticizes the trial court's verdict's inadequate English translation.

"Due care has to be taken to ensure that the true meaning and spirit of the words in the original language are translated into English for the courts in appeal to comprehend what had transpired below," the Supreme Court stated.

On Thursday, the Supreme Court voiced its displeasure with the way a civil court's ruling was translated into English [**Zoharbee and others v. Imam Khan (d) thr. Irs. & ors.**].

A bench consisting of Justices Sanjay Karol and PK Mishra noted that words are crucial in legal affairs; every word and comma affects how the topic is understood as a whole.

The Court stated that in order to adequately represent the genuine meaning and spirit of the words in the original language, decision translations must be done with great care.

"We express our displeasure with the way the learned civil court's ruling was rendered into English. Words are crucial when it comes to legal concerns. Every word and every comma affects how the topic is understood as a whole. For the courts in appeal to understand what had happened below, the highest court stated that appropriate care must be taken to guarantee that the words' real meaning and spirit in the original language are translated into English.

An appellant named Zoharbee filed a plea with the court regarding her late spouse Chand Khan's wealth. The property that Chand Khan left behind is being contested between his brother Imam Khan and widow Zoharbee.

Zoharbee argued that Chand Khan's entire estate was matruka property, or the wealth left by a Muslim who has passed away. According to Mohammedan law, she was entitled to three-fourths of the entire property as Chand Khan passed away childless, with his brother receiving the remaining one-fourth.

The brother contended, however, that a piece of the land had already been sold to a third party and that some of it had previously been transferred to third parties while Chand Khan was still alive, with payment made in part prior to and in part following Chand Khan's passing. In light of this, he asserted that no property remained to be divided as matruka.

The Supreme Court noted that an agreement to sell does not always result in the transfer of ownership of real estate under Section 54 of the Transfer of Property Act.

According to the Court, the land was part of the matruka and would be distributed among heirs because Chand Khan remained the owner until his death and no recorded sale transaction had been executed.

"The proportions allotted must be adhered to because the laws governing inheritance are unambiguous and do not allow for subjective interpretation. According to the guidelines established in this regard, the property in question must be divided among Chand Khan's surviving family members because it is undeniably matruka property," the Court continued.

A widow is entitled to one-fourth of her husband's property if there are no children and one-eighth if there are descendants, according to chapter IV, verse 12 of the Qur'an.

"Principles of Muslim Law of inheritance depicts that the sharers are entitled to a prescribed share of the inheritance and wife being a sharer is entitled to 1/8th the share but where there is no child or child of a son how low so ever, the share to which the wife is entitled is 1/4th," the court stated.

In this instance, the Court determined that Zoharbee was entitled to one-fourth of the matruka because Chand Khan died childless, with the remaining portion going to his brother and other heirs.

Zoharbee was represented by attorneys Shekhar Kumar and Ajay Majithia.

Advocates Vatsalya Vigya, Gautami Yadav, Pranjal Chapalgaonkar, and Yash Singhania appeared on behalf of respondents, together with Senior Advocate Sudhanshu S. Choudhari.

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