**MARY ROY v. STATE OF KERALA (1986 AIR 1011, 1986 SCR (1) 371)**

**Judgment Synopsis**

Bhagwati CJ stated the points by delivering his judgment:-

1. No personal law can be prioritised above the Constitution of India, hence any act in an area invalidates the significance of the provisions of the Constitution then such provision shall be heldvoid.
2. It was further stated that the Travancore Succession Act, 1916 contravene the provision of right to equality guaranteed under article 14 of the Indian constitution because of its discriminatory nature towards the women and hence can't made applicable in the current case.
3. Chapter 2 of Part V of the Indian Succession Act, 1925 was held applicable over the intestate succession.
4. In the view of this reason the law applicable on the region of Travancore relating to succession shall be Indian Succession Act 1925 not Travancore Act 1916.
5. It was also believed that Kerala High Court’s judgment is in favour of Mrs. Mary Roy re-establishing her possession over the said property was also held to have retrospective effect.
6. The court further stated that the widowed mother will receive one third of the property of her deceased husband, one-third shall be taken by Mrs. Mary Roy and the remaining with one third property by her brother. So there would be no distinction to be made between the daughter's and the son in the matter of succession.
7. The court also held that in case a man dies intestate and has no children or the widow his or her property will be first taken by his father and in case of absence of father as well, his mother brothers and sisters will take the share equally.