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Jagannathan Pillai vs Kunjithapadam Pillai & Ors, 1987 AIR 1493

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The present matter pertains to a Hindu widow who obtained possession of a property in accordance with customary law subsequent to the death of her husband, but afterwards transferred the same ownership. The primary legal question pertains to the subsequent transfer of the property to her after the implementation of the Hindu Succession Act: does she acquire absolute possession as per Section 14(1)? This legislation confers absolute ownership rights for Hindu women, irrespective of the moment of purchase. The court's interpretation of the term "possessed" encompasses the acquisition of rights, with the objective of safeguarding the interests of widows.

In the present scenario, the widow successfully asserted her right to regain ownership of the property from a third party. As a result, the court invalidated the original transaction and reinstated her full rights, therefore transforming her limited ownership into entire possession. This is consistent with previous rulings by the High Court, which have upheld the legislative purpose of granting authority to widows. The judgement of the court highlights the commitment to upholding legal principles and the original meaning of the legislature, while dismissing any comparisons to unrelated transactions. The statement underscores the Act's specific emphasis on safeguarding the well-being of women.

I. INTRODUCTION

There have been various instances in the past through which the rights of the women have been hindered or taken away women were not considered equal to the society and thus were not given equal rights to that of a men but in the modern times where faith in the equality has been restored and everyone irrespective of their creed, caste, religion is given equal rights. The Supreme Court of India and the legislature also seeks to provide equal rights to the women and thus in order to remove this injustice and also to do away with legal abnormalities the concept of limited estate has been abolished, now the estate which belongs to a woman or a widow women will be the estate of that women for once and for all. In order to do the same the legislature has made it clear that if any property is in the possession of a

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Hindu woman then it will be in the absolute possession and thus her ownership would be full or complete but not limited.

Also if any question regarding the possession of the property of a Hindu female comes on the surface then taking into consideration the date on which the question arose, if according to the law the property was held by that respective women on that particular date then such possession of the property held by her would be in full ownership but not as a limited owner.

Section 14(1)² of the Hindu succession act, 1956 gives full possession to a female Hindu of the property that has been possessed by her irrespective of the possession or acquiring being before or after the commencement of this act through this section the female Hindu is made full owner of the property and is not conferred limited ownership thereof.

Section 14 (1)³ of the Hindu succession act 1956 talks about property which includes both movable as well as immovable property which has been acquired by a Hindu female by the reason of inheritance, devise or partition or has been given as maintenance or in the form of gift from any person, that person can be a relative or maybe not be, it can be given to her before her marriage at her marriage or after her marriage or can be acquired through her own skill or exertion or by the reason of purchase or through prescription or it can be acquired through any other reason or manner and this property can also be held by her in the form of reason before the commencement of the Hindu succession act.⁴

Therefore the only requirement of acquiring a property by a female Hindu under the Hindu succession act 1956, is that she should be in the possession of the property on the date on which the question regarding the ownership of the property arises.

Various courts have given decisions in this regard, amongst which the High Courts of Orrisa⁵ and Andhra Pradesh⁶ High Courts said that female Hindu, will only get partial ownership, by the High Courts of Madras⁷, Punjab⁸, Bombay⁹ and Gujarat¹⁰ were of a different view and said that “absolute ownership” will be transferred to the women under the Hindu Succession Act.

² Hindu Succession Act, 1956, section 14.

³ Hindu Succession Act, 1956, section 14(1).

⁴ Hindu Succession Act, 1956.

⁵ Ganesh Mahanta v. Sukria Rewa (AIR 1963 Orissa 167).

⁶ Medicherla Venkataratnam v. Siddani Palamma, (1970 II Andhra Weekly Reporter 264).

⁷ Chinnakolandai Goundan v. Thanji Gounder, (ILR 1966 I Madras 326).

⁸ Teia Singh v. Jagat Singh, (AIR 1964 Punjab 403).

⁹ Ramgowda Aunagowda v. Bhausahab, (ILR 52 Bom. 1).

¹⁰ Champa v. Chandrakant, (AIR 1973 Gujarat 227).

II. FACTS OF THE CASE

In this case the appellant is a Hindu female who has acquired a property after the death of her husband before the Hindu succession act came into play that is before June 17 1956, now here she acquired the property through a window estate according to the traditional Hindu law, as it was acquired by her after the death of her husband. Later she lost the position of the same property through a transaction in lieu of which she transferred the property to alienee through a registered document of sale or through a registered document of gift.

Later the said property which is in question was again transferred to this Hindu women by the alienee, after the act of Hindu succession was enforced the re-transfer was made through a registered document therefore giving position and rights attached to the property to the Hindu female as earlier through the transfer made by her in form of a sale or gift she has lost but now through re- transferring the property to her the interest which was lost by her and with which she parted earlier was given back to her, now the question which arose was that even if the property which was in question was possessed by her according to her right to maintenance against the property which belong to her husband or say the joint property she would be entitled to a full complete ownership or to a limited ownership only.

Now earlier she was given only a limited ownership by her husband and therefore she transferred the same limited ownership to the alienee, now the alienee re-transferred the same property in her name which is of limited ownership.

III. LEGAL ISSUES

Whether after the reconveyance of the property which she had transferred to the alienee after the enforcement of the Hindu succession act, she will become a full or complete owner of the property according to section 14 (1)¹¹ of the Hindu succession act 1956?

IV. JUDGMENT

Section 14(1) of the Hindu Succession Act, 1956¹² talks about “Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner.” The court while delivering this judgment was of the view that main motive of the section 14(1) is to take care of interest of women and especially widowed women in the property. This section helps in getting widow women with limited ownership, a full ownership in the property without taking in consideration the acquisition of the property before or after the introduction of the act. The

¹¹ Hindu Succession Act, 1956, Section 14(1).

¹² Hindu Succession Act, 1956, Section 14 (1)

operability of this section come in use when the right of the widow Hindu women is the matter of concern. The widow women just have to show that she was in the possession of the concerned property in front of court and which would help her in establishing full ownership and not limited ownership in the property. Court said that “Possessed” under section 14(1)¹³ can be understood as the “acquisition of a right or interest in the property and not to physical possession acquired by force or without any legal right”. While “Whether” under this section signifies that “any property possessed by a Hindu female whether acquired before or after the commencement of the Act, would be held by her as a full owner thereof and not as a limited owner”.¹⁴

In the instant case when the Hindu Female bought the property from the alienee, which was sold to them by the same women before the introduction of the act and now she has again bought the same property for the same alienee, the concerned transaction by which the buyer of the property of the Hindu female had gained the interest was reversed and her original position which was present before the transaction took place will come in the act and old transaction would be annihilated and obliterated. Therefore when the property in dispute come in question she was in possession of it and hence she has reacquired and re-claimed the property rights, converting her limited rights in to full ownership.¹⁵

This transaction of gaining back the lost property from the reversioner does not affect his rights with talks of succeeding the property going out of the picture and restoration of property rights gained by the Hindu female will change her ownership to full ownership and not limited ownership.

While delivering this judgment Apex court relied on the judgments supported by the High Court of Madras who also gave their judgment in favour of Hindu Women taking in consideration the cases of Chinnakolandai Goundan v. Thanji Gounder¹⁶, Teja Singh v. Jagat Singh,¹⁷ Ramgowda Aunagowda v. Bhausahab¹⁸ and the Champa v. Chandrakant¹⁹ it was decided by the court that the women would become the absolute owner of the property in such situation, as the act is made with the intention of benefitting the Hindu widow women.

¹³ *Ibid.*

¹⁴ Jagannathan Pillai vs Kunjithapadam Pillai & Ors, 1987 AIR 1493

¹⁵ *Ibid.*

¹⁶ Chinnakolandai Goundan v. Thanji Gounder, ILR 1966 I Madras 326

¹⁷ Teja Singh v. Jagat Singh, AIR 1964 Punjab 403

¹⁸ Ramgowda Aunagowda v. Bhausahab, ILR 52 Bom. 1

¹⁹ Champa v. Chandrakant, AIR 1973 Gujarat 227

V. ANALYSIS AND CONCLUSION

The apex court was correct while analyzing the decision given out by the Madras High Court along with other high courts and supporting it. The position of women in India has been jeopardized since the very start. In recent times there are many laws which are coming to the help of women and the two support their position in the country. After this decision of the supreme court and the legislation, under the Hindu succession act it is very clear that the position of the women stands still regarding the ownership of the property which they inherits from their husband after his death and it being that the women will get full possession of the property irrespective of it being given to her before or after the commencement of the Hindu succession act.

It cannot be said so that an alienee cannot transfer a right more than the right which he has on his own, that is if in this case only partial position or ownership was given to the alienee then also complete possession will be transferred to the widow, the law of transferring only the amount of ownership which he has that is the partial ownership would have been applied if the property was being transferred to any other person or third party other than the widow.

In this case the widow had lost her right in the said property for a short duration of time through the transfer she has made on her own in the favour of the alienee and therefore it cannot be compared with the transferring of property in the name of a stranger because in this case the scenario is different and the circumstances of widow and the need of the property cannot be compared to any other situation. Also keeping in mind the intention behind the making of the section and the act, the complete act and also the legislature was of the view that the act and the law thereby should be such so as, to benefit the women. In case where the women gets rights back after the transfer of property in her name which she had lost for a small duration of time here in such case section 14 (1), would come into play and will protect the rights of such women which will not be the case in regards of a stranger and therefore it will not be correct to compare the case of a widowed women who are temporary lost her rights of the property under regained it with that of a third party transfer.

After the commencement of the act when the right of complete ownership was provided to a woman if a question arises during her lifetime regarding a property or if the question arises after her death and if the question is regarding the nature of the interest of the women in the property which is in possession of that particular female after it was reinstilled in her then the answer to such question will always be the same and that is she will have a full ownership in the property and not a limited one.

Therefore the Orissa and the Andhra Pradesh High court erred in comparing two different situations and coming to the view that the Hindu female will have partial ownership in the property after it is given back to her but the supreme court was correct in analysing the situation of the women from the social aspects and does coming to the conclusion that section 14 provides complete rights to the women over the position of a property irrespective of it being provided to her before after the act came into play and therefore the women who is the widow in this case will also have complete rights over the property which earlier belong to her husband and no question what so ever will arise in this regard.
