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Case Comment: Jagannathan Pillai v Kunjithapadam Pillai

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FACTS OF THE CASE

The case concerns a widow, Kunjithapadam Pillai who is a Hindu female and acquired the property by the reason of the death of her husband before the commencement of the Hindu Succession Act, 1956. This property was bestowed upon her in place of her right to maintenance as against the estate of her deceased husband or the joint family property. She had acquired only a limited interest in the property. Further, she transferred the property in favour of an alienee by a registered document of 'sale' or 'gift' before the initiation of the Act. However, the property in question was retransferred to her by the same alienee after the enforcement of the Act, by a registered document. The widow however was not in the possession of the property on the date of the enforcement of the Act. The appellant, Jagannathan Pillai challenged her right to the property in the Madras High Court.

ISSUE OF THE CASE

The main question that arose before the court to examine was whether after the property is reconveyed which was alienated the widow will have an absolute interest or limited interest in the property after the Act's enforcement under Section 14 (1) of the Hindu Succession Act, 1956.

The appellants argued relying on the verdict delivered by the Orissa High Court in *Ganesh Mahanta v Sukria Bewa*[1] and Andhra Pradesh High Court in *Medicherla Venkataratnam v Siddani Palamma*,[2] that section 14(1) of the Act does not apply in the case of a retransfer of the property to the widow after the Act's commencement, as the transferee or donee, only had limited interest and the same was conveyed to the widow. The respondent contended that she should have absolute ownership as pronounced by the judgements in the high courts of Madras, Punjab, Bombay, and Gujarat. The apex court had the responsibility to end the conflict and ensure that a Hindu widow had the same rights under the law, regardless of in which High Court's jurisdiction her property was situated.

OBSERVATIONS MADE BY THE COURT

Section 14(1) of the Hindu Succession Act, 1956 explains that any property owned by a female Hindu, whether acquired before or after the enactment of this Act, shall be held by her as a full owner, not as a limited owner.[3] The court determined that when the legislature enacted the Act, to repeal the concept of limited ownership for Hindu women and provide them with full ownership regardless of whether they acquired the property before or after the commencement of the Act. Furthermore, no provision in the legislation states that a Hindu woman must be in actual physical possession or constructive possession of any property on the date the act takes effect. It was noted that the section indicated that even after the commencement the Hindu female will be given absolute ownership rights. Thus, having ownership on the date the Act came into operation is not an essential component for a female to have full ownership of the property. The legislature intended to abolish traditional Hindu law and give women complete ownership rights through the provisions of the Act. The law was enacted for the benefit of widows or females, not alienees or third parties.

The court clarified the situation by stating that when the alienee reconveyed the property, it transferred the widow's limited rights, which were entitled upon him after the transfer. The

[1] *Ganesh Mahanta v Sukria Bewa* [1963] AIR 167 (Ori)
[2] *Medicherla Venkataratnam v Siddani Palamma* [1987] AIR 1493
[3] Hindu Succession Act 1956, s 14(1)

widow's limited interest was restored, and she was placed in the same position as before the transfer. As a result, she regained what she had previously lost. According to the court, if the alienee had transferred the property to a third party rather than the widow, the alienee's limited interest would have been passed to the third party. However, in the present case, the widow acquired a right that she always had, namely, limited ownership that would now ripen and enlarge into absolute ownership in accordance with section 14(1) of the Act.

In contrast to Orrisa and the Andhra Pradesh High Court, the supreme court stated that the high court placed too much emphasis on the argument that the donee cannot transfer a title higher than the one conferred upon him. Because it involves a retransfer, the high courts incorrectly determined that section 14(1) had no impact or function to play. The high court of Andhra Pradesh was likewise incorrect in presuming that the widow would now be considered a stranger to whom the property was reconveyed.[4] The court rectified the rationale, finding that merely because the widow had temporarily lost her right, she could not be equated to a stranger, ignoring the present reality. Both courts also misapplied the *Gummalapura Taggina Matada Kotturuswami v Setra Veeravva*[5] principle. In the named case, the possession acquired by the widow was unlawful as she trespassed however in the given case, the possession was legal and thus cannot be thought to be the same. The apex court however upheld the Madras High Court judgment in the case of *Chinnakolandai v Thanji.*[6]

FINAL DECISION OF THE SUPREME COURT

The Supreme Court for the aforementioned reasons reached the conclusion that Kunjithapadam Pillai was the absolute owner of the property. Since Section 14(1) was enlarged in the sense to include that whether the property was acquired before or after the commencement of the act, the widow will be provided with absolute ownership. Further, she regained limited ownership of the property subsequent to the commencement of the Act after it was reconveyed by the transferee in whose favor, she had transferred it prior to the commencement of the Act. This

[4] Paras Diwan, 'WOMAN'S ESTATE, ALIENEE AND REVERSIONERS' (1993) 35(3) Journal of the Indian Law Institute http://www.jstor.org/stable/43951497> accessed 5 November 2022
[5] *Kotturuswami v Setra Veeravva* [1959] AIR 577
[6] *Chinnakolandai v Thanji* [1965] AIR 497 (Mad)

limited interest now ripened into absolute interest by applying the principle of section 14(1) of the Hindu Succession Act, 1956. Thus, dismissed the appeal made by the appellants.

BRIEF LEGAL HISTORY

According to Traditional Hindu Law, if a coparcener died, his interest used to devolve upon the rest of his coparceners, female heirs were not granted any such rights. However, in 1937, the rule of survivorship diluted to an extent and after 1937, female heirs left behind by the coparceners started receiving life interest in their share of the property. Although, as soon as the female heirs died, the property used to descend back upon the existing coparceners or surviving coparceners. In 1956, under Hindu Succession Act, another change was made to the rule of survivorship. Section 14 was introduced which converted the life interest of the woman into an absolute interest in the property.

CRITICAL ANALYSIS OF THE JUDGMENT

The Supreme Court delivered the verdict relying on the interpretation of section 14(1) of the Act and clarifying the rationale which was behind the enactment of such a provision by the legislature. The legislature believed that the Act would benefit women and widows. It implies that section 14(1) was enlarged by giving the widow an absolute interest rather than a limited interest. In this case, the court offered greater justice to the widow and interpreted Section 14 extremely well, as well as improving the widow's position. The court ruled in this instance that women have absolute and unqualified rights to their property and that they are not limited owners. Women were granted equal rights by the court, which were not considered under traditional Hindu law. The Act was retrospective in nature, allowing judges to construe instances under the section in a way that would promote women's social mobility.

The court was able to read between the lines of the provision and statute and pronounced a judgment that was socially uplifting for the Hindu female and widows. The judgment cleared the distinction between the judgments of multiple high courts and established a single law for the entire country. It is a landmark judgment. Even now, the case is still referenced as a precedent in numerous cases to define the role of a widow in property acquisition. However,

there are a number of concerns in the Hindu Succession Act that need to be examined and addressed by the courts in the same way as the case at hand. For instance, the widow of a deceased Karta will not be allowed to be a Karta. If a male Karta dies and leaves behind a small child, the widow can be the HUF manager but not a Karta.

SOCIO-POLITICAL IMPLICATIONS OF THE JUDGMENT

The Court took the approach of granting the section "a widest reading" in order to advance the social objective of the legislation, which is to improve women's social and economic status. This judgment gives Hindu females and widows more rights over property which was the need of the time. Such a verdict brings to our notice that the legislature has brought in provisions that guarantee women's social and economic democracy, as stated in the Constitution's preamble. They are the bedrock of economic empowerment and social fairness for women, as well as the durability of political democracy. In other words, they oppose gender discrimination and seek to remove barriers to equal access to social, economic, political, and cultural rights.