

Where legal status of  
hindu women,  
enlarging



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Where a female Hindu inherited the property before the Act come into force and alienated the same absolutely prior to the Act. She cannot be deemed to be the owner of the property of which she made an absolute alienation and was not in possession at the date of the commencement of the Act. In *Koppurswami v.*

*Veeravva*, the Supreme Court approving the view of Calcutta High Court observed that “ the opening words of Section 14, i. e., property possessed by a female Hindu, obviously mean that to come within the preview of the section the property must be in possession of the female concerned at the date of the commencement of the Act. They clearly contemplate the female’s possession when the Act came into force. The possession must have been either actual or constructive or in any form recognised by law, but unless the female Hindu, whose limited estate in the disputed property is claimed to have been transformed into absolute estate under this particular section, was at least in such possession, taking the word ‘ possession’ in its widest connotation, when the Act came into force, the section would not apply “ The court further observed that the object of the Act was to improve the legal status of Hindu women, enlarging their limited interest in property inherited or held by them to an absolute interest, provided they were in possession of the property when the Act came into force and, therefore, in a position to take advantage of the beneficial provisions, but the Act did not intend to benefit alienee who with their eyes open purchased the property from the owners without justifying necessity before the Act came into force and at a time when the vendors had only a limited interest in the property.” In 1987 the Supreme Court decided a land mark case in *Jagannathan Pillai v.*

Kunjithapadam Pillai, in which the scope of Section 14(1) was considerably enlarged. The court observed that “ the expression “ possessed” has been used in the sense of having a right to the property or control over the property.

The expression any property possessed by a Hindu female whether acquired before or after the commencement of the Act” on an analysis yields to the following interpretation: (1) Any property possessed by Hindu female acquired before the commencement of the Act will be held by her as a full owner thereof and not as a limited owner. (2) Any property possessed by a Hindu female acquired after the commencement of the Act will be held as a full owner thereof and not as a limited owner. Possession, physical or constructive or in a legal sense on the date of coming into operation of the Act is not the sine qua non for the acquisition of full ownership in property.

In fact, the intention of the legislature was to do away with the concept of limited ownership in respect of the property owned by a Hindu female altogether. In the above case a widow before the commencement of the Act inherited certain property of which she was a limited owner. She disposed of that property through a registered sale deed before the Act came into force. After the commencement of the Act the transferee again transferred the same property to the widow for consideration.

The Court held that she became absolute owner of the property. She has regained possession of the property subsequent to the commencement of the Act upon the retransfer of the very same property to her by the transferee in whose favour she had transferred it prior to the

commencement of the Act; she would become its ' absolute owner'. When she bought the property from the alienee to whom she had sold the property prior to the enforcement of the Act, she acquired the property within the meaning of the Explanation to Section 14(1) of the Act. Where the property was alienated before the commencement of the Act and the widow trespassed on the property and had physical possession as a trespasser without any title, she cannot claim the benefit of Section 14(1).