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“The Supreme Court Affirms that for a Hindu Woman to Assert Rights Under Section 14 of the Hindu Succession Act, Possession of Property is Essential”

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Introduction

On August 28, 2023, a two-judge bench of the Supreme Court of India, comprised of Justice C.T. Ravikumar and Justice Sudhanshu Dhulia, reaffirmed in the case of M. Sivadasan (Deceased) Through Legal Representatives & Others vs. A. Soudamini (Deceased) Through Legal Representatives & Others (2023 SCC Online SC 1078), that in order to assert rights under Section 14 of the Hindu Succession Act, 1956 ('HSA'), a Hindu woman must be in possession of the property.

Background:

The case revolves around properties in Kozhikode, Kerala, measuring 33 ½ cents and 42 cents, originally owned by Sami Vaidyar. Following his demise in 1942, his daughters initiated a partition suit in 1988, claiming inheritance rights through their mother, Choyichi, who was the widow of Sami Vaidyar. They asserted their rights under both Hindu Mitakshara law and the Hindu Women's Right to Property Act, 1937 ('HWRPA').

Legal Proceedings:

The trial court, in its judgment dated February 3, 1993, dismissed the partition suit, contending that the HWRPA did not apply to agricultural land until its amendment in 1946. The succession to the property had already occurred in 1942, pre-dating the amendment. This decision was subsequently upheld by the appellate and high courts of Kerala.

Supreme Court Ruling:

The Supreme Court held that Section 14(1) of the HSA did not apply in this instance, as the crucial condition was the possession of the property by a woman. In this case, the daughters were never in possession; it always remained with the respondents. The Court cited the case of

Ram Vishal (dead) by Legal Representatives vs. Jagan Nath & Another (2004) 9 SCC 302, which affirmed the importance of possession.

The Court also noted that in the Thiyyas community of Kozhikode, Kerala, ancestral property was inherited only by male heirs, and a family settlement in 1938 specifically allocated the property to Sami Vaidyar and his son Sukumaran. Therefore, Choyichi, as the widow, did not hold any rights over the property. Additionally, all courts concurred that Choyichi never possessed the property, precluding her from gaining rights under Section 14 of the HSA.

The Appellants contested the classification of the property as agricultural land, but after careful examination, the Court affirmed the designation. They failed to demonstrate exceptional circumstances warranting a reversal of the findings.

Furthermore, the Court confirmed that the Respondents had maintained possession, and the trial court's finding of adverse possession in their favor remained unchallenged.

Conclusion:

In conclusion, the Supreme Court's ruling in the case of M. Sivadasan (Deceased) Through Legal Representatives & Others vs. A. Soudamini (Deceased) Through Legal Representatives & Others (2023 SCC Online SC 1078) serves as a significant reaffirmation of the pivotal role of possession in determining a Hindu woman's entitlement under Section 14 of the Hindu Succession Act, 1956. This decision provides a clear precedent, emphasizing that the legal rights of a woman to ancestral property hinge on her actual possession of it. It also underscores the importance of factual circumstances and legal precedent in such matters, highlighting the need for careful consideration and documentation in property-related disputes.

Furthermore, this ruling underscores the meticulous scrutiny exercised by the courts in evaluating property rights, particularly in cases involving complex legal frameworks and historical family settlements. It highlights the significance of upholding established legal principles, ensuring fairness and clarity in matters of succession. The decision reiterates the importance of possession as a tangible expression of entitlement, aligning with broader legal principles aimed at preserving the integrity of property rights. Ultimately, this judgment

provides valuable guidance for future cases involving inheritance disputes, offering a firm foundation for equitable resolutions in matters of Hindu succession law.

