2026 INSC 1107

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9146 OF 2012

SULTAN SINGH (DEAD) THROUGH LRS AND OTHERS **... APPELLANT(S)**

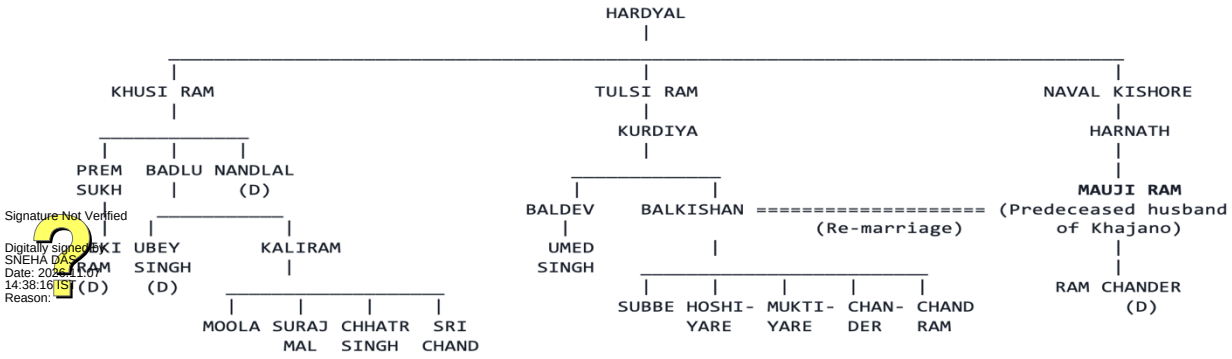
VERSUS

THE FINANCIAL COMMISSIONER GOVERNMENT OF NCT OF DELHI AND OTHERS **... RESPONDENT(S)**

J U D G M E N T

S.V.N. BHATTI, J.

1. The Civil Appeal arises from the Judgment dated 09.08.2012 in LPA No. 92 of 2005, passed by the High Court of Delhi at New Delhi. The Civil Appeal examines and interprets the scope, extent and operation of Section 51(2) of the Delhi Land Reforms Act, 1954 ("Act, 1954"). For brevity and to understand the *inter se* relationship, the parties' genealogy is set out below.



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2. The subject matter of the Appeal is Khata No. 273/222, admeasuring approximately 45 bighas in Bhawana Village, Delhi. The earliest propositus, or common ancestor, is the late Hardayal, who had three sons: Khushi Ram, Tulsi Ram, and Naval Kishore. Mauji Ram is the son of Harnad and the grandson of Naval Kishore. Mauji Ram married Khajano, and they had a son, Ram Chander. Mauji Ram died, leaving his wife, Khajano, and son, Ram Chander. Bal Kishan and Baldeo are Tulsi Ram's grandsons and Khurdiya's sons. In 1937, Ram Chander died, leaving Khajano as the sole surviving representative of Mauji Ram's estate and his son. After the deaths of her husband and son, Khajano contracted *Karwa* (re-marriage) with another son of Khurdiya, i.e., Bal Kishan. At the time of Khajano's marriage to Bal Kishan, the latter had three sons with his first wife, namely Subbe, Hoshiyare, and Muktiyare. Khajano, from her second marriage to Bal Kishan, had two sons, Chand Ram/Respondent No. 2 and Chander Bhan/Respondent No. 3.

3. With effect from 20.07.1954, the Act, 1954 has come into operation in the Union Territory of Delhi. Khajano, as *Khudkhast* in possession of the subject land, together with other interests vesting in her in 1954, claimed Bhumidhar status under Section 5 of the Act, 1954. The parties on both sides admit that under Section 11 of the Act, 1954, Khajano was declared a Bhumidhar. For a fair reflection of the averments and admitted circumstances, we note that Khajano has been recognised as a Bhumidhar under the Act, 1954.

4. The Hindu Succession Act, 1956 ("HSA, 1956"), an important legislation governing Hindu succession/inheritance/devolution of interests of Hindus, both males and females, was enacted by Parliament and came into force w.e.f.

17.06.1956. Contemporaneously, the Revenue Records recorded Khajano as Bhumidhar.

5. In 1973, Khajano died, leaving her sons, Chand Ram/Respondent No. 2 and Chander Bhan/Respondent No. 3, as her successors-in-interest. In 1997, Respondent Nos. 2 and 3 filed an Application for Mutation. The disputes now under appeal arose between Respondent Nos. 2 and 3, on the one hand, and the Appellants, on the other. The Application for Mutation by Succession in favour of Respondent Nos. 2 and 3 was registered as Case No. 2031/SDM/97 before the Sub-Divisional Magistrate (SDM), Narela, Delhi. The Appellants/Reversioners also sought a parallel mutation in favour of all the male lineal descendants of the late Mauji Ram's brothers as successors-in-interest. The sons of the late Bal Kishan through his first wife have not opposed the mutation in favour of Respondent Nos. 2 and 3 and have consented to it. On 25.04.1997, the SDM ordered the mutation of entries in the Revenue Records in favour of Respondent Nos. 2 and 3.

6. Aggrieved by the Order dated 25.04.1997, the Appellants filed Appeal No. 295/DC/NW/97 before the Additional Collector (North/West), Khanjawala, Delhi. On 31.07.2000, the Additional Collector dismissed the First Appeal. The Appellants then filed a Second Appeal, No. 256/2000-CA, before the Financial Commissioner, which was dismissed on 17.11.2000.

7. Before referring to further litigation between the parties, we summarise the consistent view of all three Authorities on ordering mutation in favour of Khajano's sons through Bal Kishan and on rejecting the Reversioners' claim. The primary Authority noted that Respondent Nos. 2 and 3 are the children of the late Khajano, and that the other sons of Bal Kishan through his first

wife have filed supporting affidavits and expressed no objection to mutation in favour of Respondent Nos. 2 and 3. It further held that Respondent Nos. 2 and 3 inherited the estate of the late Khajano, are the only persons entitled to succession, and accordingly ordered mutation entries in their favour in respect of the subject matter.

8. The Appellants, as objectors, contend that late Khajano held a limited right in the estate of her first husband, Mauji Ram, and later in that of her son, Ram Chander. Khajano's recognition as a Bhumidhar was in her capacity as a limited right-holder. Upon her demise in 1973, the property reverted to all male lineal descendants of Mauji Ram, including the Appellants and other surviving male family members. Briefly, the Appellants' case against the mutation in favour of Respondents Nos. 2 and 3 is that, when Bhumidhari rights were conferred, Khajano had only a limited right. Succession to the estate of a Bhumidhar is governed by Section 51, particularly Section 51(2)(a)(i) of the Act, 1954.

9. The Appellate Authority rejected the Reversioners' claim and applied the Succession Rules applicable to the property of a Hindu female or widow. The Order dated 31.07.2000 held that, though late Khajano inherited a limited life estate as the wife of Mauji Ram and mother of Ram Chander, under the Hindu Women's Right to Property Act, 1937 ("Act, 1937"), read with Section 14 of the HSA, 1956, the limited life interest had transformed into absolute and full ownership in favour of Khajano. Therefore, the estate of the late Khajano will devolve in terms of Section 53 of the Act, 1954. In other words, this excludes the Reversioners' claim to mutation under the *Shastric* Law prevailing prior to

1956. The Financial Commissioner confirmed the Appellate Authority's view that the Appellants are not the legal heirs as per the then-existing law and, with the operation of Section 51(2)(a)(ii) of the Act, 1954, Khajano is entitled to an absolute right and interest in the estate of late Mauji Ram. The Appellants in Writ Petition No. 1170 of 2001 and batch assailed the Statutory Authorities' Orders. On 09.12.2004, the Writ Petition was allowed, setting aside the mutation order in favour of Respondent Nos. 2 and 3.

10. The learned Single Judge, relying on a Judgment of the Division Bench of the Delhi High Court in *Ram Mehar v. Dakhan*[1], held that succession to Bhumidhari rights in Delhi after 1954 is governed by the Act, 1954, and not by the HSA, 1956. Although, by virtue of the HSA, 1956, a limited right may have matured into an absolute interest, succession must be decided under the Act, 1954. Hence, the Act, 1954 applies to persons of all religions and occupies the entire field of agricultural land tenancies in Delhi, including the devolution of Bhumidhari rights. Consequently, the parties may not rely on their personal law to determine succession. Although a limited interest under customary law can mature into an absolute interest under the HSA, 1956, the enactment of the Act, 1954, requires succession to be determined under its provisions. This Court's interpretation of Section 172 of the U.P. Zamindari Abolition and Land Reforms Act, 1951, in *Ram Jivan v. Smt Phoola*[2] applies to Section 51 of the Act, 1954. In *Ram Jivan (supra),* the court held that it must trace the origin of the Bhumidhar's title, or the main source from which the Bhumidhar has derived an interest in the holding. The Statute uses the words

[1]1973 RLR 279.
[2] AIR 1976 SC 844.

"*the holding or the part shall devolve*" to denote that where a widow inherited an interest from her husband or son, it is the holding that devolves, and not her personal interest, which terminates upon her death. A female who initially inherited occupation/possession from a male relative as a limited holder and subsequently acquired other types of interest merely by operation of law, that does not destroy the origin or source of her title. It cannot be treated as an independent or self-acquired interest under Section 174 of the U.P. Zamindari Abolition and Land Reforms Act, 1951. Succession had to be determined by tracing the nearest surviving heir of the last male holder in accordance with the Table in Section 50 of the Act, 1954. The female Bhumidhar's Will is inoperative under Section 48(2) of the Act, 1954.

11. Through the impugned Judgment, the Division Bench firstly distinguished the decision reported in *Ram Jivan (supra)* and secondly placed reliance on *Bajaya v. Gopikabai & Anr.*[3] For completeness, the gist of the impugned Judgment is noted hereunder:

A. In *Ram Jivan (supra)*, the female tenant died in September 1952, which was before the HSA, 1956, came into force.

B. The subsequent laws that converted the female's limited status in *Ram Jivan (supra)* into a heritable tenancy were the Rent/Tenancy Acts, such as the Oudh Rent Act, 1886, and the U.P. Tenancy Act, 1939. These statutory tenancy laws cannot be classified as "*personal law applicable to the fem*ale".

C. As per *Bajaya (supra),* "*personal law*" must be construed as the personal law in force on the date of death, rather than on the date the

[3] (1978) 2 SCC 542.

deceased's interest is inherited. Similarly, the date of enactment of the applicable Act is immaterial.

D. Since Khajano died in 1973, her personal law was the HSA, 1956. By operation of Section 14 of the HSA, 1956, her limited life interest in the agricultural holding was automatically converted into an absolute estate. Accordingly, on her death, she held the agricultural holding absolutely, within the meaning of Section 51(2)(a)(ii) of the Act, 1954.

E. Since Khajano held the estate absolutely at the time of her death, the devolution of her agricultural holding must strictly follow the Table under Section 53 rather than Section 51(2)(a)(i), which would have reverted it to the husband's or the last male proprietor's heirs under Section 50 of the Act, 1954.

F. Even if the Act, 1954 superseded the HSA in matters of devolution, Section 51(2) of the Act, 1954 itself incorporates personal law to determine whether a female held a limited or an absolute estate.

G. The restriction in Section 48(2) of the Act, 1954, which prohibits a widow or mother from bequeathing her holding by Will, applies strictly to female Bhumidhars whose holdings devolve upon Reversioners under Section 51(2)(a)(i). It does not apply to a female Bhumidhar who has acquired absolute status under Section 51(2)(a)(ii) of the Act, 1954.

12. The impugned Judgment held that Section 15 of the HSA, 1956 is not applicable, as it applies only to property inherited by a female from her father or mother, whereas Khajano inherited it from her son. It accepted the position in law that the Act, 1954 is a complete Code in itself.

13. Hence, the Civil Appeal is at the instance of the Appellants/ Reversioners.

14. Mr. Rupesh Kumar, learned Senior Counsel appearing for the Appellants, argues that the Act, 1954 is a comprehensive Legislation dealing not only with the conferment of tenure rights in agricultural land but also with the devolution of Bhumidhari and Asami rights for agricultural lands in Delhi. Late Khajano succeeded as a limited owner to the estate of her deceased son, Ram Chander, because her husband, Mauji Ram, predeceased Ram Chander. On 20.07.1954, when the Act, 1954 came into force, Khajano held a limited right in the subject matter of the Appeal. Khajano married Bal Kishan, and by reason of remarriage, the limited estate holder ceased to have any interest in the estate left behind by Mauji Ram and Ram Chander. The declaration of Khajano as Bhumidhar under Section 5 read with Section 11 of the Act, 1954 would carry with it the nature of the right she held at the time of recognition as a Bhumidhar. Therefore, Khajano was entitled to enjoy the property as a limited right holder until her death in 1973. Upon her demise, by the plain and simple operation of Section 51(2)(a)(i), the order of succession is governed by Section 50 of the Act, 1954. The enactment of the HSA, 1956 does not alter the position of a woman who has inherited an interest as a widow, mother, daughter, etc., under the Act, 1954. The succession relates back to the male descendants of Mauji Ram and is not confined to Respondent Nos. 2 and 3, born to Khajano through her second marriage with Bal Kishan. On a plain and literal construction of Section 51 of the Act, 1954, there is no escape from the conclusion that Section 51(2)(a)(i) is attracted and not Section 51(2)(a)(ii) of the Act, 1954. The reliance on

Bajaya (supra) by the impugned Judgment is unsustainable. The scheme under the Madhya Pradesh Land Revenue Code, 1954 ("MPLRC, 1954"), differs from the provisions of the Act, 1954. The Senior Counsel contends that, though there is no direct Judgment on the point, a few decisions *viz Hatti v. Sunder Singh*[4]; *Ram Jivan* (*supra*); *Velamurri Venkata Sivaprasad and Others v. Kothuri Venkateswarlu (dead) by LRs*[5]; *Bhagat Ram v. Taja Singh*[6]; and *V. Dandapani Chettiar v. Balasubramanian Chettiar*[7] dealing with the scope, object and purpose of the Act, 1954, the nature of the right held by a limited estate holder, and the flow of succession in favour of the male lineal descendants of the limited estate holder are relied on to support his argument.

14.1 The decision in *Bajaya* (*supra*) is distinguished on the ground that the ratio of that decision cannot be invoked to test the Rules of Succession under the Act, 1954. In essence, the argument rests on the proposition that Khajano's rights were crystallised as on 20.07.1954. The personal law applicable to Khajano in 1954 granted limited rights of enjoyment. Upon her demise in 1973, succession shall still be in accordance with Section 51(2)(a)(i) of the Act, 1954. The date of enactment and the contemporaneous interpretation of the Act, 1954 determine the rule of succession.

15. Mr. Ramakrishnan Viraraghavan, learned Senior Counsel, appearing for Respondent Nos. 2 and 3, argues that the Act, 1954 is a declaratory Statute that declares the right, entitlement, nature of holding, and succession

[4] (1970) 2 SCC 841.
[5] (2000) 2 SCC 139.
[6] (2002) 1 SCC 210.
[7] (2003) 6 SCC 633.

to the agricultural land covered by it, and the persons in whose favour the rights in tenures and tenure holders are conferred. The parties admitted that Late Khajano was declared a Bhumidhar under Section 11 of the Act, 1954. This recognition is pursuant to the right claimed as *Khudkhast*, coupled with possession. Mauji Ram predeceased his son Ram Chander. Ram Chander died unmarried, and Khajano, at that time, represented the estate; her right is recognised under the Act, 1937. As admitted by both parties, Khajano, despite her marriage to Bal Kishan, continued to hold the property. Accordingly, she was declared a Bhumidhar. The declaration of right under Section 11 was made after satisfying the requisites of Section 5 of the Act, 1954. There is no gainsaying that, at this point, the grant of a declaratory right as Bhumidhar is conditioned by a limited right of enjoyment in perpetuity. Alternatively, it is argued that Respondent Nos. 2 and 3 are not praying for mutation under the HSA, 1956, but are claiming mutation of their names upon the demise of Late Khajano under Section 51(2)(a)(ii) of the Act, 1954. The expression in Section 51(2), in Clauses (i) and (ii), deals with distinct scenarios. The applicable personal law in the Section depends on the date of demise of the Bhumidhar-the widow, mother, or daughter, etc. On a plain and literal interpretation of Section 51(2)(a)(ii), it would be conclusive that, in the case on hand, Section 53 is applied and not Section 50 of the Act, 1954. The objection to Khajano's second marriage with Bal Kishan is not timely and cannot form the basis for testing the correctness of the impugned Judgment. The Appellants filed a Suit for Partition, which was dismissed for non-prosecution. The interpretation now recommended by the Appellants is retrograde. Since the law is progressive, the personal law applicable to the widow, mother, daughter, etc.,

is the law in force on the date the succession is operated. *Bajaya* (*supra*) is attracted to the case on all fours. He relies on the findings recorded in the impugned Judgment and prays for dismissal of the Civil Appeal.

16. We have heard the learned Senior Counsel and perused the record.

17. The issue for consideration in the Civil Appeal is the interpretation of Section 51(2) of the Act, 1954, and the applicable law governing succession to Bhumidhar rights upon the death of a Hindu widow, mother, daughter, etc.

18. The impugned Judgment has examined the circumstances in *Bajaya (supra)* and the ratio laid down there for sustaining mutation in favour of Respondent Nos. 2 and 3. For continuity, let us first refer to *Bajaya (supra),* a case arising under the MPLRC, 1954. The following paragraphs from the Three-Judge Bench Judgment are relevant to the present discussion:

> ***"26****. Broadly speaking, legislation by referential incorporation falls in two categories: First, where a statute by specific reference incorporates the provisions on another statute as of the time of adoption. Second, where a statute incorporates by general reference the law concerning a particular subject, as a genus. In the case of the former, the subsequent amendments made in the referred statute cannot automatically be read into the adopting statute. In the case of latter category, it may be presumed that the legislative intent was to include all the subsequent amendments also made from time to time in the generic law on the subject adopted by general reference. This principle of construction of a reference statute has been neatly summed up by Sutherland, thus:*
> *"A statute which refers to the law of a subject generally adopts the law on the subject as of the time the law is invoked. This will include all the amendments and modifications of the law subsequent to the time the reference statute was enacted [Vide Sutherland's Statutory Construction, Third Edition, Article 5208, p. 5208] ."*
> *Corpus Juris Secundum also enunciates the same principle in these terms:*
> *".... Where the reference in an adopting statute is to the law generally which governs the particular subject, and not to any specific statute or part thereof,.... the reference will be held to include the law as it stands at the time it is sought to be applied, with all the changes made from time to time, at least as far as the changes are consistent with the purpose of the adopting statute."*

> ***27***. *Construed in accordance with the above principle, the expression "personal law" referred to in Section 151 of the Code, comprehends the Hindu Succession Act, 1956, which will undoubtedly govern the inheritance to the "estate" of Smt Sarji who died on November 6, 1956, much after the coming into force of that Act. If we can say so with due deference, the view taken on this point by the Bombay High Court in Smt Indubai case and by the Madhya Pradesh High Court in Kumari Ramlali case and by Tare, C.J. in Nahar Hirasingh case, is correct."*

19. For convenience, the applicable Sections in MPLRC, 1954 and the DLR, 1954 are tabulated hereunder:

M. P. Land Revenue Code, 1954	**Delhi Land Reforms Act, 1954**
151. ***Subject to his personal law***, the interest of a tenure-holder shall ***on his death*** pass by inheritance, survivorship or bequest, as the case may be.	51. (2) When a Bhumidhar who has before the commencement of this Act, inherited an interest in any holding as a widow, mother, step-mother, father's mother, daughter, sister or step-sister (a)***dies*** and such Bhumidhar was on the date a proprietor of the land comprised in the holding and – (i)she was ***in accordance with the personal law*** applicable to her entitled to a life estate only in the holding, the holding shall devolve upon the nearest surviving heir (such heir being ascertained in accordance with the provision of section 50) of the last male proprietor or tenant aforesaid; and if (ii)***she was in accordance with the personal law applicable to her*** entitled to the holding absolutely the holding shall devolve in accordance with the table mentioned in section 53;

(*emphasis added*)

20. We defer recording a finding on this contention till the provisions of the Act, 1954 are considered independently.

SCHEME OF THE ACT, 1954

21. The Statement of Objects and Reasons of the Act, 1954 provides for the modification of the Zamindari system, creates a uniform body of present properties without intermediaries, unifies the Punjab and Agra systems of Tenancy Laws in force in the State of Delhi, and **makes provision for other matters connected therewith**. (*emphasis added*)

22. Therefore, the Act, 1954 abolishes the Zamindari System and vests rights in the actual cultivators of agricultural land. It governs agricultural land ownership and transfers in Delhi. The Act, 1954 was enacted when Delhi functioned as a Part 'C' State of the Union of India. It received the President's assent and came into effect on 20.07.1954. The Act replaced the colonial tenure system that existed in Delhi before 20.07.1954. Before 1954, the Punjab Tenancy Act, 1887, as modified by Punjab Act No. 9 of 1939, and a few related colonial laws governed tenure and land relations in Delhi. The Act, 1954 aimed to replace the fragmented systems and introduced a unified Bhumidhar Tenure structure, thereby restructuring agrarian ownership in Delhi. Among other things, the Act, 1954 abolishes intermediaries, classifies land tenures, and, most importantly, provides for the rights of Bhumidhari and Asami to *Khudkhast* or persons in possession. Bhumidhar is one of the important tenures recognised under the Act, 1954. Through agrarian reform, while conferring certain rights in favour of the actual cultivators of agricultural land, the Act, 1954 prescribes restrictions on the nature of the right conferred on a Bhumidhar. As part of the Scheme and Statement of Objects and Reasons, it also provides for other matters connected therewith.

Part 'E' of Chapter III of the Act, 1954 provides for devolution (Bhumidhars and Asamis). The issue in law between the parties arises in this regard.

23. Section 3(11a) of the Act, 1954, defines the term "holding"[8]. Section 5 sets out the types of persons and the nature of tenure for determining status as "Bhumidhar". Section 11 enables the declaration of Bhumidhari Rights in favour of proprietors and the superior class of tenants who satisfy the requisites of Section 5 under the Act, 1954. The *lis* between the parties in the Appeal does not touch the declaration of Khajano as a Bhumidhar. Admittedly, Khajano died in 1973 as a Bhumidhar. The question, therefore, between the parties is whether Section 51(2)(a)(i) or Section 51(2)(a)(ii) of the Act, 1954 is attracted to regulate the succession to the subject matter left behind by Khajano.

24. We note with approval that the view expressed in *Hatti (supra)* is that the Act, 1954 is a complete Code and regulates the grant of Bhumidhari rights and the devolution of rights conferred under it. It lays down the nature of rights a person can possess in agricultural land in the area to which the Act, 1954 applies, and the remedies for obtaining a declaration of the rights or any other declaration for possession. Further, the Act, 1954 governs the devolution of the declared tenure holder's interest, but the question underpinning both sides' arguments is which personal law applies upon the

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[8] Section 3. [(11a) "holding" means
(a) in respect of –
i)Bhumidhar or Asami; or
(ii)tenant or sub- tenant under the Punjab Tenancy Act, 1887, or the Agra tenancy Act, 1901; or
(iii)lessee under the Bhoodan Yagna Act, 1955, a parcel or parcels of land held under one tenure, lease, engagement or grant; and
(b) in respect of proprietors, a parcel or parcels of land held as sir or "khudkhast":]

demise of a Bhumidhar-Hindu widow, mother, or daughter, etc., under Section 51(2) of the Act, 1954. In other words, whether the personal laws as on 20.07.1954 or the personal law applicable on the date of the Bhumidhar's demise is attracted.

25. A few provisions are being referred to hereunder.

26. Section 3(11a) of the Act, 1954 defines a holding as, in respect of a Bhumidhar or Asami, parcels of land held under one tenure, lease, engagement or grant. Section 3(12A) defines "*Khudkhast*" as land (other than sir) cultivated by a proprietor either by himself or by servants or by hiring labour at the commencement of the Act, etc. Section 5 provides that persons belonging to the classes set out therein are declared Bhumidhars and are conferred full rights, subject to the liabilities imposed upon a Bhumidhar by or under the Act, 1954. For our present purpose, it is immaterial whether Khajano has been declared a proprietor holding 'sir' or *Khudkhast*. The fact is that she was a Bhumidhar of Khata No. 273/222. Section 51 of Chapter III, Part 'E' of the Act, 1954 provides for the devolution of Bhumidhari and Asami interests. Section 51(1) deals with a Bhumidhar inheriting an interest as a widow, mother, or daughter, etc., after the Act, 1954 came into force.

27. We have referred to the circumstances chronologically in the preceding paragraphs and to the timing and nature of Khajano's possession as part of the subject matter of the Appeal. The parties appear to be on the same page, albeit to some extent, regarding the nature of the right Khajano enjoyed between Act No. XVIII of 1937 and Act No. 8 of 1954. The Act of 1937 gives a Hindu woman the right of succession to the estate left behind by a Hindu

male. These rights are known as a widow's life estate or limited estate, and late Khajano is held to possess such a limited estate.

THE HSA, 1956

28. The winds of change and the perception of women's right to hold property began to permeate all corners of society, including the Legislature. Therefore, the Act, 1954 has compartmentalised the eventualities arising from demise, etc., for the purpose of succession and devolution of Bhumidhari rights.

28.1 The HSA, 1956, is an important piece of legislation that transforms a Hindu female's right to the property she possesses. Section 14(1), read with the Explanation, is considered for discussion and reads as under:

> ***"14. Property of a female Hindu to be her absolute property****.—(1)* ***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.*
> *Explanation.—In this sub-section, "property" includes both movable and immovable property acquired by a female Hindu* ***by inheritance*** *or devise, or at a partition, or in lieu of maintenance or arrears of maintenance, or by gift from any person, whether a relative or not, before, at or after her marriage, or by her own skill or exertion, or by purchase or by prescription,* ***or in any other manner whatsoever****, and also any such property held by her as stridhana immediately before the commencement of this Act."*
>
> *(emphasis added)*

29. We refer to a few landmark precedents on Section 14(1) of the HSA, 1956, and the principles laid down in those Judgments are summarised as follows:

A. The devolution of property is not strictly limited to the binary modes of survivorship or inheritance; the Legislature is competent to confer a right for property to devolve in a third way, namely, by statutory right.[9]

B. Section 14(1) serves as an instrument of social amelioration designed to eliminate gender-based discrimination in property inheritance and place female heirs on an equal footing with male heirs.[10]

C. The provision was enacted to remove the stringent proprietary disabilities that historically subjected Hindu women to perpetual tutelage.[11]

D. The statutory phrase *"as full owner thereof and not as limited owner"* extinguishes the traditional concept of the limited estate or Hindu widow's estate. It invests the female with absolute dominion and unfettered powers of disposition.[12]

E. Section 14(1) presupposes that the female Hindu had some prior legal right or interest. It converts limited ownership into full ownership, but does not create a right where no legal interest existed.[13]

F. The Statute deliberately adopts the words *"possessed by"* rather than *"in possession of"*. This encompasses actual physical possession as well as constructive or legal possession such as possession through a lessee, licensee, or mortgagee, etc.[14]

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[9] Potti Lakshmi Perumallu v. Potti Krishnavenamma (1965) 1 SCR 26.
[10] Kalawatibai v. Soiryabi & Ors. (1991) 3 SCC 410.
[11] V. Tulasamma & Ors. v. Sesha Reddy (Dead) through LRs (1977) 3 SCC 99.
[12] Eramma v. Veerupana & Ors. (1966) 2 SCR 626, Jagannathan Pillai v. Kunjithapadam Pillai & Ors. (1987) 2 SCC 572.
[13] Bai Vajia (Dead) By LRs v. Thakorbhai Chelabhai & Ors. (1979) 3 SCC 300, Eramma *(supra)*.
[14] Mangal Singh & Ors. v. Smt. Rattno (Dead) by her LR & Anr. 1967 SCC OnLine 35.

G. If a female Hindu is shown to be legally "possessed" of the property at the time the question of title arises, the property is deemed to be held by her as a "full owner".[15]

H. The words "*any property*" cover both movable and immovable property of every description. Under the Explanation to Section 14(1), the word "*acquired*" is given the widest possible amplitude. It encompasses acquisition by inheritance, devise, partition, gift, purchase, prescription or by her own skill, exertion, or property allotted in lieu of maintenance or arrears of maintenance.[16]

30. The precedents trace the transformative shift in Hindu women's property rights from earlier statutory Acts such as the Act, 1937, which conferred rights beyond survivorship or inheritance but retained a limited estate, to the expansive reach of Section 14(1) of the HSA, 1956. Across these Rulings, this Court held that Section 14(1) overrides traditional *Shastric* law by abolishing the restricted "*widow's estate*," making a female Hindu an absolute owner with full disposition rights. Neither party has placed a decision on the scope and extent of the words "*or in any other manner whatsoever*" in the Explanation to Section 14(1) of the HSA, 1956. The expression, "*or in any other manner whatsoever*", means using any method, form, or way without exception or limitation. It is a comprehensive legal and formal term used to ensure that no other way of doing something is permitted or considered, covering all possible variations or alternatives. An Explanation aids in interpreting an enactment. If a gap remains, the Explanation helps the Court

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[15] Jagannathan Pillai *(supra).*
[16] V. Tulasamma. (*supra*).

interpret the enactment's true purport and intent. Further, it supports the Act's dominant object and makes it meaningful and purposeful.[17] Further, the Explanation begins with the words in Section 14(1) of the HSA, 1956: "*property includes both movable and immovable property* …." The word "*includes*" is understood and applied as whatever be the kind of property, movable or immovable, and whichever be the mode of acquisition, it would be covered by sub-Section (1) of Section 14, the object of the Legislature being to wipe out the disabilities from which a Hindu female suffered in regard to ownership of property under the old *Shastric* law, to abridge the stringent provisions against proprietary rights which were often regarded as evidence of her perpetual tutelage and to recognise her status as an independent and absolute owner of property.[18] On a combined reading of the precedents on Section 14 of HSA, 1956, the expressions in the Explanation attached to Section 14 would take within its fold the right of a Hindu widow, mother, etc., and the transformation of limited right into absolute right by Legislation is inferred.

31. There is no possibility of mistaking midnight for noon; but at what precise moment twilight becomes darkness is hard to determine. In the present case, with the advent of the HSA, 1956, particularly Section 14(1), there is no possibility of mistaking midnight for noon, and it is not difficult to determine the precise moment when twilight turns to dawn. The declaratory nature of the Act, 1954, and the enlargement under the HSA, 1956, make a Hindu widow a full owner.

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[17] S. Sundaram Pillai v. V.R. Pattabiraman (1985) 1 SCC 591.
[18] *V. Tulasamma.* (*supra*).

INTERPRETATION ON SECTION 51(2) OF THE ACT, 1954

32. Metaphorically speaking, the inotation in literal interpretation is consistent in meaning and tense. If meaning and consistency are aligned, then the application of the literal Rule is complete. In interpreting words that bear on an outcome, we do not wish to extrude them from their context or to stress them so far as to yield a result one way or the other. There is hardly a conundrum in subjecting the sentences to too many puzzles. Maybe a word or the positioning of words may present an argument, but the argument must be conclusive on fundamental principles. Now, Section 51(2) of the Act, 1954, as a whole, requires interpretation. The first and foremost principle of statutory interpretation is the literal rule. Other rules of interpretation, e.g., the Mischief Rule, Purposive Interpretation, etc., can be resorted to only when the plain words of a statute are ambiguous or lead to no intelligible result, or when read literally would nullify the very object of the statute. Where the words of a statute are absolutely clear and unambiguous, recourse cannot be had to the principles of interpretation other than the literal Rule.[19]

33. Under the literal Rule, the plain and ordinary meaning is the core principle. Words are given their everyday, common-sense meaning as understood by a layman or as defined in standard dictionaries. Judicial creativity is not permitted; judges cannot add, subtract, alter, or modify words, nor can they presume omissions or insert implied meanings. Statutory definitions take precedence over the meaning assigned by standard

[19] B. Premanand & Ors. v. Mohan Koikal & Ors. (2011) 4 SCC 266; Swedish Match AB & Anr. v. SEBI & Anr. (2004) 11 SCC 641.

dictionaries. Context and grammar are equally important. They require consideration of the sentence's syntax and immediate context and dictate how the word functions, ensuring terms are not taken out of context. The literal Rule, as an axiom, honours the principle that the Legislature is the sole creator of law and the judiciary's role is to apply it, preventing personal bias or judicial lawmaking.

34. In *Grid Corpn. of Orissa*[20]*,* this Court, applying the golden rule of interpretation, held that the words of a Statute must be read and understood in their natural, ordinary, and popular sense. However, where the words used can bear two or more constructions, it is necessary to adopt a purposive construction, involving ascertaining the object of the provision and choosing the interpretation that advances it. The literal rule allows departure in a few circumstances, including when a literal interpretation leads to absurdity. In this case, we may not need to consider the exception to the literal rule, but we can test Section 51(2)(a) of the Act, 1954, under the plain literal rule.

35. Grammatical interpretation is part of the rule of literal interpretation. Grammatical rules on tense dictate how words change to show when an action happens and how clauses within a sentence must coordinate in time. The Court also notes consistency in subject-verb agreement, time and tense, and sequence of tenses. In *Gurudevdatta,*[21] this Court, on the requirement to accord due meaning in their grammatical sense, held as follows:

> *"**26**. Further we wish to clarify that it is a cardinal principle of interpretation of statute that the words of a statute must be understood in their natural, ordinary or popular sense and*

[20] Grid Corpn. of Orissa Ltd. & Ors. v. Eastern Metals & Ferro Alloys & Ors., (2011) 11 SCC 334.
[21] Gurudevdatta VKSSS Maryadit & Ors. v. State of Maharashtra & Ors. (2001) 4 SCC 534.

construed according to their grammatical meaning, unless such construction leads to some absurdity or unless there is something in the context or in the object of the statute to suggest to the contrary. The golden rule is that the words of a statute must prima facie be given their ordinary meaning. It is yet another rule of construction that when the words of the statute are clear, plain and unambiguous, then the courts are bound to give effect to that meaning, irrespective of the consequences. It is said that the words themselves best declare the intention of the lawgiver. The courts have adhered to the principle that efforts should be made to give meaning to each and every word used by the legislature and it is not a sound principle of construction to brush aside words in a statute as being inapposite surpluses, if they can have a proper application in circumstances conceivable within the contemplation of the statute."

36. The discussion in this Civil Appeal is confined to Section 51(2) of the Act, 1954 and the said Section is excerpted hereunder:

*"**51.** Succession in the case of a woman holding an interest inherited as a widow, mother, daughter etc.--- (1)*

xxx

xxx

xxx

*(2)When a Bhumidhar who has **before the commencement** of this Act, **inherited an interest** in any holding as a widow, mother, step-mother, father's mother, daughter, sister or step-sister,*

*(a) **dies** and such Bhumidhar was **on the date proprietor of the land comprised in the holding** and –*

(i)she was in accordance with the personal law applicable to her entitled to a life estate only in the holding, the holding shall devolve upon the nearest surviving heir, (such heir being ascertained in accordance with the provision of Section 50) of the last male proprietor or tenant aforesaid; and if

*(ii) she was **in accordance** with the **personal law applicable to her** entitled to the holding absolutely the holding shall devolve in accordance with the table mentioned in Section 53;*

(b) [dies or marries] and such Bumidhar on the date immediately before the said date held the holding otherwise than as a proprietor, the holding shall devolve upon the nearest surviving heir (such heir being ascertained in accordance with the provision of Section 50) of the last male tenant other than one who inherited as a father's father.

(3)The provision of sub-section (1) shall mutatis mutandis apply to an Asami who inherited the holding before the commencement of this Act.

(4)Nothing in sub-section (1) shall apply to a person, succeeding to an interest in any holding under the provision of Section 53."

(emphasis added)

The deciding words in Section 51(2)(a) are set in bold in the excerpt above.

37. Section 51 of Chapter III, Part 'E' of the Act, 1954 provides for Devolution (Bhumidhari and Asami) and regulates succession to the rights of Bhumidhars. The word "succession" in legal parlance means: 1. "*a word of a technical meaning, and refers to those who by descent or will take the property of a decedent. It is a word which clearly excludes those who take by deed, grant, gift, or any form of purchase or contract."*[22]; 2. "*the transmission of the rights and obligations of a deceased to his heirs."*[23] The Act, 1954, being a complete Code, envisages how rights flow, who takes precedence over others, and who is entitled to succeed to the estate of a decedent Bhumidhar. Section 51(2)(a), interpreted in light of the above rule of interpretation, means that if a Bhumidhar who had inherited before 20.07.1954 an interest in any holding as a widow, mother, etc., dies, and such Bhumidhar was, on the date, proprietor of the land comprised in the said holding, the succession is regulated by clauses (2)(a)(i) or (2)(a)(ii) of Section 51 of the Act, 1954, as the case may be.

37.1 Section 51(2)(a)(i) reads that the deceased Bhumidhar was, in accordance with the personal law applicable to her, entitled to a life interest in the holding; then such holding shall devolve upon the nearest surviving

[22] P. Ramanatha Aiyar's Advanced Law Lexicon, Vol. 4, 7th Edition, Pp 6150.
[23] *Ibid.*

heir of the last male proprietor or tenant aforesaid. Alternatively, Section 51(2)(a)(ii) provides that in case the Bhumidhar was, in accordance with the personal law applicable to her, entitled to the holding absolutely; the holding shall devolve in accordance with the table mentioned in Section 53 of the Act, 1954. The deciding words governing the flow of succession rights to the persons to whom devolution or succession is granted under clauses (i) and (ii) are "*in accordance with the personal law applicable to her*," whether she is entitled to a life estate or to the holding absolutely. Therefore, the personal law is not frozen on the enactment of the Act, 1954, and it keeps open the classes of persons entitled to succeed to an interest of a female Bhumidhar to the personal law applicable on the date of her demise.

38. The expressions in Section 51(2), *viz.,* "*who has before the enactment of the Act inherited an interest*", are in the simple past tense, whereas the word "*dies,*" in the same sub-Sections, is in the simple present tense. The tense used in sub-Section (2)(a) determines which of the two clauses, namely clause one or two, is attracted. The succession to the interest of a female Bhumidhar is governed by answering the common questions, *viz.,* whether a Bhumidhar has, before the commencement of the Act, inherited an interest in any holding as a widow, etc. Clause (2)(a) begins with the simple present tense "*dies*", and thereafter the conjunction "*and*" is used, requiring that the Bhumidhar, on the date of demise, was a proprietor of the land comprised in the holding. Then, depending upon the personal law, the succession is governed as explained in the preceding paragraph. Therefore, if the proprietor Bhumidhar, on the date of demise, holds only a "*life estate*", succession is governed by Section 50 of the Act, 1954. The same proprietor, Bhumidhar, under the

personal law applicable to her, is entitled to the holding absolutely and then the holding, i.e., as per Section 3(11a), shall devolve in accordance with the table mentioned in Section 53 of the Act, 1954. Therefore, the deciding factors are the timing of death and the nature of the right held by the Bhumidhar at the time of her death, as per the personal law that would govern succession.

39. *Bajai (supra)* contextualises the discussion on referential legislation. In *Bajai (supra),* one issue was whether the expression "*personal law*" in Section 151 of the MPLRC, 1954, refers to the Hindu law in force before or after the HSA, 1956. For continuity, the following gist of the observations is set out:

A. It was held that legislation by referential incorporation falls into two categories, i.e., specific reference and general reference.

i. *Specific Reference*: Where an adopting statute explicitly incorporates specific provisions of another enactment as they existed at the time of adoption, subsequent amendments to the referred enactment cannot automatically be read into the adopting statute.

ii. *General Reference*: Where an adopting statute incorporates the law by a general reference as a *genus*, there is a legislative presumption that the reference includes all subsequent amendments, modifications, and developments to that body of law from time to time.

B. Applying this principle, it was held that the phrase "*Subject to his personal law*" in Section 151 of the MPLRC, 1954, constitutes a general referential incorporation. Consequently, it incorporates subsequent statutory modifications, including the HSA, 1956. The words "*on his death*" in Section

151 clearly indicate legislative intent that the relevant personal law is the law in force when succession opens upon the tenure holder's death.

40. Section 51(2) of the Act, 1954, uses the expression "*personal law*", a general referential term. Legislation looks to the future, not to the past. It is progressive, not retrogressive. With the enactment of the Act, 1954, Khajano had a right contemporaneous with her entitlement under the Act, 1937, i.e., a limited estate. The highlighted words in the Explanation to Section 14(1) of the HSA, 1956, particularly "*by inheritance … or in any other manner whatsoever*", make it clear that, with the enactment of the HSA, 1956, on 17.06.1956, the rights of a Hindu Widow are enlarged into absolute rights and, inferentially, include the right as Bhumidhar under the Act, 1954. To wit, if the unforeseen circumstance, namely a death, had happened between 20.07.1954 and 17.06.1956, when the HSA, 1956, had come into operation, the succession to the estate of Khajano should be regulated by Section 51(2)(a)(i) of the Act, 1954, inasmuch as on that day Khajano possessed a proprietary right but with a limited estate. By operation of Section 14(1) read with the Explanation, with effect from 17.06.1956, Khajano is not only a proprietor, but, through the general referential legislation of personal law, i.e., HSA, 1956, her limited estate right is transformed into an absolute right, thus changing the course of succession from Section 50 to Section 53 of the Act, 1954.

41. The precedents on the entitlement of a Hindu woman lay down the position in law that continuing to restrict the right of a Hindu woman is not preferred to giving the expression used in Section 14(1), read with the

Explanation, its full meaning, unless and until a case squarely falls within the meaning of Section 14(2) of the HSA, 1956.

42. While applying the literal rule of interpretation, we note the tenses used by the Legislature in Section 51(2) of the Act, 1954. Section 51(2) unequivocally refers to a Bhumidhar inheriting an interest in any holding as a widow before the commencement of the Act, and is in the past tense. In other words, Section 51(2) deals with the manner and mode of acquisition of interest by a Hindu Woman as on 20.07.1954. Section 51(2)(a) begins with the words "*dies and such Bhumidhari was on the date a proprietor of the land comprised in the holding*" in the present simple tense. Thus, the present simple tense applicable to sub-clauses (i) and (ii) of Section 51(2)(a) is the tense of the date on which the trigger point occurs.

43. In the present case, Khajano died in 1973. Section 51(2)(a) defines the trigger point by the words "*dies*" and "*such Bhumidhar*". On the date, "*such Bhumidhar*" was a proprietor of all the land comprised in the holding. Since the sentence is in the simple present tense, a literal reading aligns with the time and the trigger point. If, in Section 51(2)(a), the word "*dies*", for the purpose of always giving a restricted meaning, is read as "*died*", then the same would be in disregard of the plain and simple language used in Section 51(2)(a) of the Act, 1954.

44. The citations relied on by the Appellant are not on point and are distinguishable on both the facts and the proposition of law laid down in those citations. For brevity, we have not set out the distinguishing features of the cases relied on by the Appellant. It is sufficient to note that the issue falls within the parameters of Section 51(2)(a)(ii) of the Act, 1954, and its interplay

with Section 14 of the HSA, 1956. None of the decisions is directly on point. The impugned Judgment has correctly captured the ratio of *Bajaya* (*supra*) and has rightly reversed the learned Single Judge's Judgment. We record the above reasons independently while agreeing with the impugned Judgment.

45. For the above reasons and discussion, we see no reason to interfere with the Impugned Judgment.

46. The Civil Appeal is dismissed. No order as to costs.

47. Pending application(s), if any, stand disposed of accordingly.

.....J.
[S.V.N. BHATTI]

.....J.
[N. V. ANJARIA]

New Delhi;
October 9, 2026.