

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrish Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpna

Assistant professor of Law

Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

BAYANABAI KAWARE V RAJENDRA S/O **BABUROA DHOTE CASE ANALYSIS**

AUTHORED BY - TANVI JAIN

5th Year BBA LLB

CHRSIT (Deemed to be University) Bangalore

Bench and Quorum:

This case was adjudicated by a division bench of Hon'ble Justice R.K. Aggarwal and Hon'ble Justice A.M. Sapre. The final judgment was authored by Justice A.M. Sapre and delivered on November 23, 2017.

Procedural History:

The matter came before the Supreme Court of India as an appeal against the 2014 decision of the Bombay High Court. Bayanabai Kaware, the appellant, had sought partition and her rightful share in the ancestral property. The High Court had dismissed her plea, prompting her to approach the Supreme Court, challenging both the legality and correctness of the High Court's ruling. The case centered on the interplay of personal and state laws regarding property inheritance, specifically under the Hindu Succession Act and the Maharashtra Agricultural Lands (Ceiling on Holdings) Act.¹

Facts of the Case:

The parties to the dispute, Bayanabai Kaware and Rajendra s/o Baburao Dhote, are siblings governed by the Mitakshara school of Hindu law. Their father, Baburao Dhote, passed away intestate on June 26, 2001. The dispute pertains to ancestral agricultural land located in Maharashtra.

Rajendra claimed sole ownership of the estate, asserting himself as the only surviving coparcener and invoking the provisions of the Hindu Succession Act, 1956 (amended in 2005), to exclude Bayanabai from succession. Bayanabai, however, filed a suit for partition, asserting

¹ Hindu Succession Act, No. 30 of 1956, § 6, amended by Hindu Succession (Amendment) Act, No. 39 of 2005, India Code (2005).

her right as a daughter to coparcenary property following the 2005 amendment. The trial court and subsequently the High Court rejected her claims, citing the applicability of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, which restricts division of certain agricultural lands.

Issues Before the Court:

1. Whether the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 prohibits the partition of ancestral agricultural property?
2. Whether the claim for partition was time-barred under the Limitation Act?
3. Whether the deed of partition was executed under fraud and coercion, thereby invalidating it?

Arguments:

The respondent, Rajendra, defended the validity of the family settlement and the subsequent deed of partition, arguing that there was no evidence of coercion or fraud. He relied on the presumption of legality that attaches to a registered deed and claimed that the family settlement deed of 1992 should be treated as conclusive. He also contended that Bayanabai's claim was barred under the law of limitation.

Conversely, Bayanabai and another family member, Anandrao, asserted that the deed had been obtained under duress and lacked voluntary consent. They maintained that the 1992 settlement was not a registered instrument and hence could not override statutory inheritance rights.² They further invoked Section 14 of the Limitation Act, arguing that possession of the land on behalf of a co-owner effectively extends the limitation period.³ Bayanabai's claim was also rooted in the enhanced rights granted to daughters under the Hindu Succession (Amendment) Act, 2005.

Laws and Principles Applied:

- Hindu Succession Act, 1956 (as amended in 2005)
- Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961
- Section 14 of the Limitation Act, 1963
- Section 53A of the Transfer of Property Act, 1882⁴ (Doctrine of Part Performance)

² Gopalakrishna v. Meenakshi, A.I.R. 2014 S.C. 2035 (India)

³ Limitation Act, No. 36 of 1963, § 14, India Code (1963).

⁴ Transfer of Property Act, No. 4 of 1882, § 53A, India Code (1882).

Judgment:

The Supreme Court dismissed the appeal by Rajendra and upheld the decision in favor of Bayanabai. It ruled that the unregistered family settlement deed of 1992 did not meet the legal threshold for overriding rights granted under the Hindu Succession Act. The Court held that even though registered documents generally enjoy a presumption of validity, this presumption is rebuttable by evidence of fraud or coercion. The Court also clarified that the Maharashtra Agricultural Lands Act does not extinguish rights to succession under Hindu law and must be interpreted harmoniously with the Hindu Succession Act.⁵

It further acknowledged that a co-owner's possession can serve as constructive possession for other co-owners, and therefore, the limitation plea raised by Rajendra could not be sustained. Importantly, the Court affirmed that women's right to coparcenary property must be protected, and procedural objections cannot nullify substantive entitlements under the amended Hindu Succession Act.

Rationale of the Decision:

The Court's rationale rested on upholding the constitutional ideals of gender equality and non-discrimination.⁶ It recognized the transformative nature of the 2005 amendment to the Hindu Succession Act, which placed daughters on par with sons in terms of inheritance rights. The Court underscored that mere procedural technicalities or state-level ceiling laws could not operate to deprive women of their legal entitlements under central personal laws. It balanced technical compliance with equitable justice, especially for women in patriarchal settings where property disputes are frequently obscured by power imbalances.

Concurring Opinion:

Justice A.M. Khanwilkar concurred with the main judgment, highlighting the rigorous evidentiary standard required to invalidate a registered document. He noted that courts must tread cautiously in setting aside formal agreements unless compelling proof of undue influence or fraud is presented.

⁵ Maharashtra Agricultural Lands (Ceiling on Holdings) Act, No. 27 of 1961, § 27, India Code (1961).

⁶ Flavia Agnes, Hindu Women's Right to Property: A Historical and Critical Perspective, 35(33) ECON. & POL. WKLY. 2943, 2943-45 (2000).

Critical Analysis:

The Supreme Court's decision in *Bayanabai Kaware v. Rajendra s/o Baburao Dhote* marks a pivotal moment in the legal interpretation of women's rights to ancestral property under Hindu personal law. The case illustrates how systemic inequalities and traditional patriarchal norms continue to create barriers for women in asserting their inheritance claims, despite progressive legal reforms like the 2005 amendment to the Hindu Succession Act. This judgment serves not only to uphold the letter of the law but also reinforces its spirit, by emphasizing that statutory recognition of gender equality must be effectively implemented.

The Court's reasoning goes beyond technical statutory interpretation and addresses the historical injustices faced by women in Hindu joint families. By rejecting the argument that an unregistered family settlement could preclude the statutory rights of a daughter to ancestral property, the Court set a precedent that informal mechanisms rooted in unequal power dynamics cannot override codified legal entitlements. This is especially important in rural contexts, where family settlements often occur without legal formalities and women are systematically excluded from decision-making processes.⁷

Moreover, the Court's nuanced treatment of limitation law underscores the importance of understanding possession not merely in a physical sense but as reflective of familial arrangements and co-ownership traditions. The decision makes it clear that possession by one co-owner extends to others, particularly in familial arrangements where overt exclusion is difficult to establish. This reading of the Limitation Act aligns with equitable principles and ensures that women are not unfairly deprived of rights due to technical defenses.

Importantly, the case also critiques the interaction of state-specific laws like the Maharashtra Agricultural Lands (Ceiling on Holdings) Act with personal laws. By holding that the ceiling law cannot be interpreted in a manner that nullifies inheritance rights under the Hindu Succession Act, the Court reaffirmed the supremacy of constitutional equality and harmonized conflicting statutory regimes. This balancing act is crucial in a federal structure like India's, where state laws can sometimes undermine central legal reforms aimed at social justice.

From a broader jurisprudential perspective, the judgment reflects an evolving constitutional

⁷ B. Sivaramayya, *Inequalities and Women's Property Rights in India*, 26(12/13) ECON. & POL. WKLY. 691, 691-95 (1991).

morality—one that centers dignity, autonomy, and substantive justice.⁸ It signals a shift from mere formal equality to meaningful empowerment, particularly for women who have historically been denied economic agency. The decision should also be viewed in light of international human rights commitments under instruments such as CEDAW, to which India is a party, further legitimizing the judicial insistence on gender-equal property rights.⁹

Nonetheless, while the Court's findings are laudable, they also highlight the need for more consistent judicial interpretation regarding the retrospective application of the 2005 amendment—a subject still mired in ambiguity across Indian courts. Future benches may need to address this in more definitive terms to ensure uniformity and prevent forum shopping or conflicting verdicts.¹⁰ Furthermore, greater emphasis on judicial training and awareness on gender-sensitive adjudication will ensure that such progressive decisions become the norm rather than the exception.

In conclusion, this case is not merely a property dispute but a reflection of the transformative potential of law to redress deep-rooted gender injustices. It illustrates how courts, when guided by principles of equity, can play a vital role in furthering the constitutional vision of social justice. It affirms that formal legal recognition must translate into real, enforceable rights—especially for women seeking to reclaim space in legal and familial narratives from which they have long been marginalized.

Conclusion:

The Supreme Court's ruling in *Bayanabai Kaware v. Rajendra s/o Baburao Dhote* stands as a milestone in the interpretation of women's property rights under Hindu law. It represents a progressive stance that favors equity over technicality and affirms the rights of daughters as coparceners. In balancing personal laws with state-imposed limitations, the Court demonstrated a thoughtful and justice-oriented approach. This case reinforces the judiciary's role in dismantling patriarchal barriers to property ownership and expands the discourse on women's legal empowerment in India. It also offers vital guidance for lower courts navigating similar disputes, contributing to the evolving fabric of Indian succession jurisprudence.

⁸ Ruma Pal, Role of the Judiciary in Advancing Women's Rights, 41(42) ECON. & POL. WKLY. 4531, 4533 (2006).

⁹ Comm. on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 21, U.N. Doc. A/49/38 (1994).

¹⁰ Law Commission of India, 174th Report on Property Rights of Women: Proposed Reforms Under the Hindu Law (2000).