2026 INSC 54

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOs. OF 2026
(Arising out of SLP(C) Nos. 1544-1545 of 2026)

KANCHANA RAI **...APPELLANT(S)**

VERSUS

GEETA SHARMA & ORS. **...RESPONDENT(S)**

WITH

CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No. 1737 of 2026)

UMA DEVI **...APPELLANT(S)**

VERSUS

GEETA SHARMA & ORS. **...RESPONDENT(S)**

J U D G M E N T

PANKAJ MITHAL, J.

1. Leave granted.

2. Heard Dr. Abhishek Manu Singhvi and Shri V. Giri, senior counsel appearing for the respective appellants in the two appeals and Shri Vikas Singh, senior counsel for the contesting respondents, in both the appeals.

3. The controversy is *inter se* the heirs/family members of late Dr. Mahendra Prasad who died on 27.12.2021. He had three sons, namely, Ranjit Sharma, who passed away on 02.03.2023, Devinder Rai, husband of the appellant-Kanchana Rai and Rajeev Sharma. It is alleged that late Dr. Mahendra Prasad executed a registered Will on 18.07.2011, appointing the appellant, the wife of his pre-deceased son Devinder Rai, as the executor while bequeathing his properties in favour of her two sons, completely ignoring his own two sons namely Ranjit Sharma and Rajeev Sharma.

4. Smt. Geeta Sharma, Respondent No. 1, wife of one of the sons, Ranjit Sharma, who died after the death of Dr. Mahendra Prasad, applied for maintenance from the estate of her father-in-law, before the Family Court under the Hindu

Adoptions and Maintenance Act, 1956[1]. The petition was dismissed by the Family Court as not maintainable as Respondent no.1 was not a widow on the date of death of Dr. Mahindra Prasad, since her husband, Ranjit Sharma was alive at the time of his father's demise. The High Court, in appeal, set aside the order of the Family Court recording a categorical finding that the petition was maintainable as Respondent no.1 was the widow of one of the sons of late Dr. Mahindra Prasad and as such was a dependant. Accordingly, the High Court directed the Family Court to consider the matter on merit and to decide about the quantum of maintenance.

5. Aggrieved by the aforesaid judgment and order of the High Court dated 20.08.2025, the appellant-Smt. Kanchana Rai, the wife of late Devinder Rai, the pre-deceased son of late Dr. Mahindra Prasad, has preferred one of these appeals on the issue of maintainability of the maintenance petition filed by the Respondent No.1

[1] Hereinafter referred to as "the Act"

6. The other appeal has been preferred by one Smt. Uma Devi, the alleged partner of late Dr. Mahindra Prasad, contending that she was in a live-in relationship with him over the last forty years and that Respondent No. 1 had no legal right for seeking maintenance from the estate of late Dr. Mahendra Prasad.

7. In these facts and circumstances, a short and simple question, which has been made intricate by legal engineering of the legal minds, arising in these appeals is: whether a daughter-in-law, who becomes a widow after the death of her father-in-law, is a dependant upon the estate of the father-in-law, and entitled to claim maintenance from his estate.

8. Since the issue which is falling for our consideration is purely legal in nature, we intend to proceed and decide it on our own thinking and reasoning on the simple interpretation of the provisions of the Act, independent of the view taken by either of the courts below i.e. the Family Court and the High Court or on the basis of the Hindu Succession Act, 1956, which is completely alien for the purposes of any interpretation of the provisions of the present Act.

9. The law on the grant of maintenance of Hindus has been codified by enacting the Hindu Adoptions & Maintenance Act, 1956. The aforesaid Act provides for the adoption as well for the maintenance. The adoption part is dealt under Chapter II of the Act, whereas Chapter III of the Act provides for maintenance to the dependants of a Hindu under Sections 18 to 28.

10. The "dependants" have been defined under Section 21 of the Act *inter alia* to include the following relatives of the deceased.

> "…
>
> ***2 (vii). any widow of his son*** *or of a son of his predeceased son, so long as she does not remarry: provided and to the extent that she is unable to obtain maintenance from her husband's estate. or from her son or daughter, if any, or his or her estate; or in the case of a grandson's widow, also from her father-in-law's estate;*
>
> *…"*

11. A plain reading of the above definition of the dependants makes it crystal clear that the relatives of the deceased,

namely, “any widow of his son” would be a dependant provided she is unable to maintain herself from her husband’s estate or from her son or her daughter’s estate and in the case of grandson’s widow, from her father-in-law’s estate.

12. Section 22 of the Act provides for the maintenance of dependants and casts an obligation upon all the heirs of the deceased Hindu to maintain the dependants of the deceased out of the estate inherited by them from the deceased. In simpler words, all the heirs of the deceased Hindu are obliged to maintain the dependants of the deceased from the funds inherited out of the estate of the deceased.

13. Sub-section (2) of Section 22 further provides that where a dependant of the deceased Hindu has not obtained share in the estate of the Hindu either by testamentary or intestate-succession, such a dependant shall be entitled to maintenance from those who take the estate. Therefore, anyone succeeding to the estate of the deceased Hindu is under an obligation to maintain the dependant of the deceased.

14. Section 23 of the Act provides for the manner and the factors on the basis of which maintenance to a dependant has to be determined.

15. Section 21 of the Act, as stated earlier, is only a defining section which defines the "dependants" of the deceased Hindu. One of the relatives of the deceased Hindu who has been defined as a dependant is clearly "any widow of his son" meaning thereby a widow of the deceased son of the Hindu is a dependant irrespective of the time she becomes a widow.

16. The above definition is quite clear and unambiguous. It is not open for any other meaning except that a "widow of the son" of the deceased is a dependant. In view of such a clear definition, it is not open for anyone to infer and assign any other meaning to the said definition so as to say that only a widow of the predeceased son of a Hindu would be covered by the said definition. The aforesaid definition nowhere uses the word "widow of a predeceased son". It simply uses the words "any widow of a son". The legislature in its wisdom has deliberately avoided to use the word "predeceased" before the "son" so as to include any widow of the son. The

time of her becoming a widow or the death of the son is immaterial.

17. It is a cardinal principle of interpretation of law that where the provision is clear and unambiguous, it has to be interpreted literally provided the literal interpretation is not in conflict with the purpose of the Act or is otherwise not impractical.

18. This foundational principle of literal interpretation finds unequivocal support in a consistent line of judicial precedents.

19. In ***Crawford v. Spooner***[2] *the* Privy Council observed that the construction of an Act must be taken from its bare words, and it is not for the courts "to add, and mend, and, by construction, make up deficiencies" left by the legislature, nor to "fish out what possibly may have been the intention" if not clearly expressed. Judges must take the words as they are and give them their natural meaning, unless controlled or altered by the context or the preamble.

[2] (1846) 4 Moo IA 179

20. In ***B. Premanand v. Mohan Koikal***[3] this Court emphasized that departure from the literal rule should be an exception in very rare cases, as once courts depart from the literal rule where the language is clear, the result would be destructive of judicial discipline and contrary to the constitutional scheme as the exclusive domain to legislate is upon the legislature. The Court aptly noted that "the literal rule of interpretation simply means that we mean what we say and we say what we mean." The Court further cautioned that even if a literal interpretation results in hardship or inconvenience, the same cannot be a ground to depart from the plain meaning of the statutory text.

21. More recently, in ***Vinod Kumar v. DM, Mau***[4] this Court reaffirmed that the literal rule is the first and foremost principle of statutory interpretation. Where the words are absolutely clear and unambiguous, recourse cannot be had to any other principle. The Court explicitly held that "the language employed in a statute is the determinative factor of

[3] (2011) 4 SCC 266
[4] (2023) 19 SCC 126

the legislative intent" and that judges cannot correct or make up a perceived deficiency in the words used by the legislature. The Court held that courts cannot correct or supply an assumed omission in the statute, as the legislature is presumed to have intended what it has expressly stated.

22. In view of the language so used in Section 21 (vii) of the Act and guided by the settled principles reiterated above, there is hardly any scope to interpret that the words "any widow of his son" used therein would mean "widow of his predeceased son" only. The courts cannot add or subtract any word from the text of the statute. The provisions of the statute cannot be re-written by the courts by assuming or inferring something which is not implicit from the plain language of the statute.

23. Even otherwise, any such restrictive interpretation would fail the test of constitutional validity under Article 14 of the Constitution. The classification sought to be made between widowed daughters-in-law based solely on the timing of the husband's death, namely, (a) those whose husbands died

during the lifetime of the father-in-law, and (b) those whose husbands died after him; is manifestly unreasonable and arbitrary. Such a classification bears no rational nexus with the object and purpose of the Act, which is to secure maintenance to dependants who are unable to maintain themselves. In both situations, the women are similarly situated in so far as the object of the Act is concerned, having suffered widowhood, being without spousal support, and facing comparable financial vulnerability. Denial of maintenance to one category based on a fortuitous circumstance beyond their control is manifestly arbitrary and violative of the guarantee of equality before law under Article 14 of the Constitution.

24. Any interpretation contrary to one opined above, would also infringe upon Article 21 of the Constitution, which guarantees the right to life with dignity. The right to life has been judicially expanded to include the right to livelihood and basic sustenance. Denying maintenance to a widowed daughter-in-law from the estate of her deceased father-in-law on a narrow or technical construction of the statute

would expose her to destitution and social marginalization, thereby offending her fundamental right to live with dignity. The provisions of the Act must, therefore, be read purposively and in conformity with constitutional values, so as to advance social justice and protect the dignity of vulnerable dependants rather than defeat it.

25. Section 4 of the Act has an overriding effect but it does not erase away fundamental principles of Hindu law particularly where some doubt is raised about the codified provisions. The Hindu law specially *Manu Smriti vide* Chapter 8, verse 389 says:

"न माता न पिता न स्त्री न पुत्रस्त्यागमर्हति।
त्यजन्नपतितानेतान राज्ञा दण्ड्यः शतानि षट"।।

No mother, no father, no wife, and no son deserves to be forsaken. A person who abandons these blameless (relatives) should be fined six hundred (units) by the king. This verse emphasizes duty of the family head to support female family members.

26. A son or the legal heirs are bound to maintain all the dependant persons out of estate inherited i.e. all persons whom the deceased was legally and morally bound to maintain. Therefore, on the death of son, it is the pious obligation of the father-in-law to maintain widowed daughter-in-law, if she is unable to maintain herself either on her own or through the property left behind by the deceased son. The Act does not envisage to rule out the above obligation of the father-in-law to maintain his widowed daughter-in-law, irrespective of the fact when she became a widow whether prior or after his death.

27. Though, it may not be very much in context to refer to Section 19 of the Act but we consider it proper to refer to it as the Courts below have considered and dealt with it and some arguments on its basis have been advanced before us.

28. Section 19 of the Act provides for the maintenance of "widowed daughter-in-law" of the deceased Hindu. It simply contemplates that a Hindu wife is entitled to be maintained after the death of her husband by her father-in-law. Thus, it

casts an obligation upon the father-in-law to maintain his daughter-in-law. The said obligation subsists only during the lifetime of the father-in-law as the aforesaid provision nowhere contemplates that the daughter-in-law would be entitled to maintenance from the estate of the father-in-law. In other words, Section 19 contemplates for the maintenance of the daughter-in-law during the lifetime of father-in-law, whereas, Section 22 contemplates "maintenance of dependants" including "widowed daughter-in-law" from the estate of her father-in-law meaning thereby that a claim under Section 22 can be raised only after the death of the father-in-law.

29. In view of the aforesaid facts and circumstances, we are clearly of the opinion that "any widow of the son" of a deceased Hindu is a dependant within the meaning of Section 21 (vii) of the Act and is entitled to claim maintenance under Section 22 of the Act. Therefore, no illegality has been committed by the High Court in passing the impugned order holding the petition of Respondent no.1, who is a widow of the son of the deceased, to be maintainable

and in directing the Family Court to consider it on merits in accordance with law.

30. The appeals as such lack merits and are dismissed with no order as to costs.

.....J.
(PANKAJ MITHAL)

.....J.
(S.V.N. BHATTI)

NEW DELHI;
JANUARY 13, 2026