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From Fortuity To Equality: SC Declares Post-Death Widowhood No Bar To Claim Under Sections 21 & 22, Hindu Adoptions & Maintenance Act

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PUBLISHED 16 January 2026

The Supreme Court of India, in a far-reaching judgment delivered on 13 January 2026, has settled a lingering fracture in the interpretation of the Hindu Adoptions & Maintenance Act, 1956. By conflating textual fidelity with constitutional morality, the Court in Civil Appeal Nos. arising out of SLP(C) 1544-1545 & 1737 of 2026, titled Kanchana Rai v. Geeta Sharma & Uma Devi v. Geeta Sharma, (2026) INSC 54, has held that a daughter-in-law who is widowed after the death of her father-in-law is nevertheless a "dependant" under Section 21(vii) and can claim maintenance from the latter's estate under Section 22. The decision, pronounced by Justice Pankaj Mithal and Justice S.V.N. Bhatti, removes the temporal coincidence of widowhood as a juristic filter and reinforces the Act's overarching mission of protection of vulnerable relatives unable to maintain themselves.

The litigation germinated from the estate of Dr. Mahendra Prasad, a medical practitioner who died on 27 December 2021. He left three sons: Devinder Rai (pre-deceased), Ranjit Sharma (died 2 March 2023) and Rajeev Sharma (alive). On 18 July 2011 Dr. Prasad executed a registered Will appointing his daughter-in-law Smt. Kanchana Rai, widow of Devinder, as executrix and bequeathed the bulk of his properties to her two sons, virtually disinheriting the other branches. Ranjit's wife, Smt. Geeta Sharma, lodged a petition under Sections 18-25 of the Act before the Family Court, praying for monthly maintenance from the estate. The court dismissed the application, reasoning that since Ranjit was alive on the date of the testator's death, Geeta was not a "widow of a son" and therefore not a dependant. On appeal, the High Court reversed, holding that the expression "any widow of his son" is not qualified by the moment at which widowhood supervenes. The petition was declared maintainable and remanded for quantification.

Aggrieved, Kanchana Rai instituted the first appeal; Smt. Uma Devi, who asserted a four-decade live-in relationship with Dr. Prasad, filed the second, impleading herself as an interested party. Both appellants argued that Section 21(vii) should be read ejusdem generis with the preceding clauses and confined to widows of predeceased sons. They contended that any broader reading would subvert testamentary freedom and saddle heirs with unpredictable burdens. Counsel additionally submitted that Section 19, which obliges a father-in-law to maintain a widowed daughter-in-law, is strictly personal and extinguishes on his death; Section 22, in their view, could not resurrect a parallel obligation.

Respondent's counsel countered with literalism fortified by constitutional concerns. The clause, it was urged, employs the words "any widow of his son" sans the adjective "predeceased"; the legislature's conscious omission militates against judicial insertion. To deny maintenance on the fortuitous circumstance that the husband survived his father would, moreover, trench upon Articles 14 and 21 by creating an irrational classification and exposing widows to indignity and destitution.

The Bench framed a solitary question: whether post-father-in-law widowhood falls within Section 21(vii). It then surveyed the statutory framework. Sections 18 to 25 form a self-contained code obliging heirs to maintain enumerated dependants out of the inherited estate. Section 21(vii) lists, inter alia, "any widow of his 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 …". Section 22 casts a correlative duty on every person who takes the estate, whether testate or intestate. Section 19, in contrast, fastens a personal obligation on the father-in-law during his lifetime and is silent on succession to that burden.

Guided by Crawford v. Spooner, B. Premanand v. Mohan Koikal and Vinod Kumar v. DM, Mau, the Court reiterated that where language is clear, recourse to external aids is impermissible. The omission of "predeceased" is not a legislative lacuna but a deliberate expansion. A restrictive meaning would, furthermore, fail the test of Article 14, for the distinction between a widow whose husband died before or after the father bears no rational nexus to the object of the statute protection of financially vulnerable relatives. Such a reading would also collide with Article 21 by threatening the right to life with dignity, judicially recognised to include sustenance and shelter.

The judgment acknowledges the tension between testamentary autonomy and social welfare legislation, but holds that the latter prevails where the legislature has expressed an unambiguous intent. Invoking Manu Smriti's maxim that blameless female relatives ought not to be forsaken, the Court emphasised that the pious obligation of heirs is to preserve the deceased's moral duties, not to defeat them. Section 22 therefore operates as an enduring charge on the estate, enforceable by any enumerated dependant who fulfils the statutory conditions, irrespective of the chronological happenstance of widowhood.

Consequently, the appeals were dismissed and the High Court's direction reinstated: the Family Court must now proceed to ascertain the quantum of maintenance payable to Smt. Geeta Sharma from the assets of Dr. Mahendra Prasad. The ruling, while ostensibly confined to the interpretative plane, carries systemic implications testators must factor in the non-derogable maintenance claims of statutory dependants, and heirs cannot shelter behind the letter of a Will to deny the minimal economic safety net the Act guarantees. In synthesising textual fidelity with constitutional purpose, the Supreme Court has once again

affirmed that in the hierarchy of norms, human dignity is not a mere flourish but the grundnorm.

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