



**FACULTY OF JURIDICAL SCIENCES**

**COURSE NAME : LLB**

**SEMESTER : IIIrd**

**SUBJECT : FAMILY LAW II**

**SUBJECT CODE: LLB -304**

**LECTURE : 20**

**FACULTY NAME: Mr JP Srivastava**

## **I. Definitions and interpretation.—Hindu succession act 1956 ( section -3)**

(1) In this Act, unless the context otherwise requires,—

(a) “agnate”—one person is said to be an “agnate” of another if the two are related by blood or adoption wholly through males;

(b) “aliyasantana law” means the system of law applicable to persons who, if this Act had not been passed, would have been governed by the Madras Aliyasantana Act, 1949, or by the customary Aliyasantana law with respect to the matter for which provision is made in this Act;

(c) “cognate” — one person is said to be a cognate of another if the two are related by blood or adoption but not wholly through males;

(d) the expression “custom” and “usage” signify any rule which having been continuously and uniformly observed for a long time, has obtained the force of law among Hindus in any local area, tribe, community, group or family: Provided that the rule is certain and not unreasonable or opposed to public policy; and Provided further that in the case of a rule applicable only to a family it has not been discontinued by the family;

(e) “full blood”, “half blood” and “uterine blood”—

(i) two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife, and by half blood when they are descended from a common ancestor but; by different wives;

(ii) two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands;

Explanation.— In this clause “ancestor” includes the father and “ancestress” the mother;

(f) “heir” means any person, male or female, who is entitled to succeed to the property of an intestate under this Act;

(g) “intestate”—a person is deemed to die intestate in respect of property of which he or she has not made a testamentary disposition capable of taking effect;

(h) “marumakkattayam law” means the system of law applicable to persons—

(a) who, if this Act had not been passed, would have been governed by the Madras Marumakkattayam Act, 1932 (Madras Act XXII of 1933); the Travancore Nayar Act (II of 1100K); the Travancore Ezhava Act (III of 1100K); the (VII of 1108K) Travancore Nanjinad

Vellala Act (IV of 1101K); the Travancore Kshatriya Act (VII of 1108K); the Travancore Krishnanvaka Marumakkathayee Act (VII of 1115K); the Cochin Marumakkathayam Act (XXXIII of 1113K); or the Cochin Nayar Act (XXIX of 1113K); with respect to the matters for which provision is made in this Act; or

(b) who belong to any community, the members of which are largely domiciled in the State of Travancore-Cochin or Madras<sup>1</sup> [as it existed immediately before the 1st November, 1956,] and who, if this Act had not been passed, would have been governed with respect to the matters for which provision is made in this Act by any system of inheritance in which descent is traced through the female line;

but does not include the aliyasantana law;

(i) “nambudri law” means the system of law applicable to persons who, if this Act had not been passed, would have been governed by the Madras Nambudri Act, 1932 (Madras Act XXI of 1933); the Cochin Nambudri Act (XVII of 1113); or the Travancore Malayala Brahmin Act with respect to the matters for which provision is made in this Act;

(j) “related” means related by legitimate kinship: Provided that illegitimate children shall be deemed to be related to their mothers and to one another, and their legitimate descendants shall be deemed to be related to them and to one another; and any word expressing relationship or denoting a relative shall be construed accordingly.

(2) In this Act, unless the context otherwise requires, words importing the masculine gender shall not be taken to include females.

## MCQ

1. The Hindu succession Act, 1956, abolishes the doctrine of acquisition of right by birth the doctrine of the right survivorship both [A] and [B] none of these
2. Hindu Succession Amendment Act, 2005 came into effect on 9th June, 2005 9th August, 2005 9th July, 2005 9th September, 2005
3. Under the Hindu Succession Act, the property of a male Hindu dying intestate shall devolve according to the provisions of Section 8 Section 9 Section 6 Section 14
4. Any property possessed by a female hindu whether acquired before or after commencement of the Act shall be held by her as : Limited owner Section 3(d) of the Hindu Succession Act Ancestral property Section 3(e) of the Hindu Succession Act Stridhana property Section 3(f) of the Hindu Succession Act Full owner Section 3(g) of the Hindu Succession Act
5. Heir' has been defined under: Section 3(d) of the Hindu Succession Act Section 3(e) of the Hindu Succession Act Section 3(f) of the Hindu Succession Act Section 3(g) of the Hindu Succession Act

6.

A dies after the commencement of the Hindu Succession Act leaving behind three sons B, C and D. The interest in the property passes to by :

7.

Sapind relationship

Testamentary succession

Survivorship

Limited estate

A Hindu dies leaving behind father and son's daughter's son. They are

8.

Class I heirs

Class II heirs

Preferential heirs

None of the above

On which date the Hindu Succession Act, 1956 came into force ?

9.

17th, May

17th, June

17th, July

17th, April

Which one of the following can be a ground for disqualification under Hindu Succession Act, 1956 ?

Mental infirmity

Physical defects

Conversion to other religion

Diseases