



FACULTY OF JURIDICAL SCIENCES

COURSE NAME : LLB

SEMESTER : IIIrd

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Rules for devolution of property of a Male Intestate

On the death of an intestate, the property shall first devolve to class I heirs, as long as a single class I heir is present, the property will not go to heirs in class II category. In the absence of a class II heir category, the property shall devolve upon heirs in class III or agnates which primarily comprises the leftover heir who are blood relatives of the intestate related to him through a whole male chain of relatives. If in case there is no heir present in class III, the interest in the property shall devolve upon any other blood relative of the intestate.

It is significant to note that the provisions of the act or any schedule to that effect does not put a full stop so far as the heirs are concerned, hence in absence of a near relative a person may be eligible to inherit its property. If he can trace his blood relation to the deceased however distant he or she may be. This was a significant change as in the old regime before this act only four generations were recognized but now the limitation on the degree has been removed.

Class I Heirs

Class I heirs comprises people to whom the interest in the property shall devolve in the first instance upon the death of the intestate. The category contains eleven female members and five male members. All the class I heirs take the property absolutely and exclusively as their separate property, further unlike the old joint family regime no person can claim a right by birth in this inherited property.

The following heirs find a place in Class I:

Mother [M]

Widow [W]

Daughter [D]

Widow of a predeceased son [SW]

Daughter of a predeceased son [SD]

Daughter of a predeceased daughter [DD]

Daughter of a predeceased son of a predeceased son [SSD]

Widow of a predeceased son of a predeceased son [SSW]

Son [S]

Son of a predeceased son [SS]

Son of a predeceased son of a predeceased son [SSS]

Son of a predeceased daughter [DS]

Daughter of a predeceased daughter of a predeceased daughter [DDD]

Son of a predeceased daughter of a predeceased daughter [DDS]

Daughter of a predeceased daughter of a predeceased son [SDD]

Daughter of a predeceased son of a predeceased daughter [DSD]

The below-given figure shows all the class I heirs of the deceased (A) and explains their relationship with the deceased:

Rules governing the distribution of interest among class I heirs

Section 10 elaborately defines the rules pertaining to the division of interest among the class I heirs. Following are the rules governing the division of interest among class I heirs

The share of each son and daughter and that of the mother shall be equal.

The widow of the deceased shall take one share and if there is more than one widow all of them, collectively take one share i.e., the share equal to the son or daughter and will divide it equally among themselves.

A predeceased son survived by a widow or son or daughter shall be allotted a share equal to a living son.

Out of the portion allotted to the predeceased son his widow and living sons and daughters will take equal portions with respect to each other. Any branch of the predeceased son of this predeceased son will get an equal portion.

The rule applicable to the branch of predeceased son of the predeceased son is the same as of predeceased son wherein son, daughter and widow will get an equal share.

A predeceased daughter who is survived by a son or a daughter is to be allotted an equal share to that of a living daughter.

The son and daughter of the predeceased daughter shall take an equal portion in the share. The same rule shall apply to any branches of a predeceased daughter of a predeceased daughter.

MCQ

1.

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 :

Sapind relationship

Testamentary succession

Survivorship

Limited estate

2.

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

Class I heirs

Class II heirs

Preferential heirs

None of the above

3.

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

17th, May

17th, June

17th, July

17th, April

4.

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

5.

Daughter is also eligible to get succession as son?

Yes

No

Partly

None of Above