



FACULTY OF JURIDICAL SCIENCES

COURSE NAME : LLB

SEMESTER : IIIrd

SUBJECT : FAMILY LAW II

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Class II heirs

In case wherein a male Hindu dies, unmarried, and is not survived by any class I heir, the property shall devolve among class II heirs. The second class of heirs comprises 19 heirs out of which ten are males and nine are females; these heirs are further divided into nine subcategories. The under given table depicts the classification of class II heirs into various subcategories categories:

Subcategory	List of Heirs
Subcategory I	Father
Subcategory II	Son's daughter's son brother, sister
Subcategory III	Daughter son's son
Subcategory IV	Brother's son Sister's son Brother's daughter Sister's daughter
Subcategory V	Father's father Father's mother
Subcategory VI	Father's widow Brother's widow
Subcategory VII	Father's brother Father's sister
Subcategory VIII	Mother's father Mother's mother
Subcategory IX	Mother's brother Mother's sister

Rules of distribution and Preference of interest among class II heirs

The division of interest among the class II heirs is primarily governed by two rudimentary principles:

The heirs in a higher subcategory will exclude the heirs in the lower subcategory. For instance, the heirs in the first subcategory will have preference over the heirs in the second subcategory, the second one will have preference over the third and so on.

All the heirs in one category shall take the property equally according to per capita rule of distribution of property, the order in which the name appears in a subcategory is irrelevant.

Class III heirs or agnates

Class III heirs or agnates inherit the property in the absence of class I or class II heirs. An agnate under class III category is a person who is related to the intestate through the line of male relatives only and does not find a place in class I or class II category of heirs, it is also significant to note that an agnate can be male or female as it is the sex of the relative and not the sex of the heir that is material. An agnate can be a direct ascendant or descendant, or a collateral with no limitation of a degree from the deceased.

The rule of preference and division of interest among agnates

For the computation of the degree of relationship and to ascertain the preferences the following rules shall be taken into consideration:

Each generation is called a degree, and for computation of degree, the first degree is the intestate itself.

Degree of ascent means upward or ancestral degree and degree of descent means downward or descendant degree.

Where an heir has both ascent and descent degree both degrees shall be taken separately, and not cumulatively.

An agnate of only descent is preferred over ascent irrespective of the number of degrees (or generation).

MCQ

1.

Mumbai branch is distributed in sub branches of

Mitakshar & jesus
Personal

Banaras & Mithila
Local

Madras & Dravid
Indian

A & B is right
None of these

2.

Hindu Law is

3.

Generally hindu family is presume to be a family

Divided
To sale the property according to share

Undivided

Divided and undivided

None of the above

4.

The partition of property means.....

Divided
To sale the property according to share

Undivided
gift the property

Divided and undivided
severance of status from joint family

None of the above

5.

In the hindu coparcenary properly by birth hindu child

Is not beneficiary

Is beneficiary

A and B is correct

None of these