



FACULTY OF JURIDICAL SCIENCES

COURSE NAME : LLB

SEMESTER : IIIrd

SUBJECT : FAMILY LAW II

SUBJECT CODE: LLB -304

LECTURE : 6

FACULTY NAME: Mr JP Srivastava

Obstructed property

The property to which right accrues not by birth but on the passing of the final owner is called obstructed property. It is called obstructed since the accrual of the right to it is obstructed by the existence of the final owner. Hence the property devolving on parents, brothers, nephews, uncles, etc. upon the passing of the last owner, is obstructed property. These relatives are not vested intrigued by birth. Their right to it arises only on the passing of the last owner.

In this way, any property acquired by a male Hindu from relations other than father, father's father and father's father's father would be called obstructed heritage. The owner of this property holds the property as Separate and absolute one and there is no chance of combining property.

Obstructed property rights gained by the owner after the succession of the final owner but there are some exceptional cases where the ownership passes by survivorship. The exception cases were mentioned below:

Two or more than two sons, grandsons, and great-grandsons succeeding as heirs to the separate property of their paternal ancestor take as joint tenants with survivorship.

Two or more grandsons of a daughter who is a member of a joint family succeed as heirs to their maternal grandfather as joint tenants with the right of survivorship.

Two or more widows succeeding as heirs of their husband take as joint tenants with survivorship rights.

Two or more daughters succeeding as heirs of their father take as joint tenants.

These are the only 4 conditions or exceptional circumstances in which ownership of the obstructed property transfers to another before the succession of the previous owner.

Illustration

An acquired the certain property from his brother who passed on issueless. The acquired property within the hands of A will be a discouraging legacy for the children of A. The children of A will acquire the property from A as it were after his passing.

MCQ

1. Can the female members of the family claim partition?
A) Yes
B) No
C) A & B both are correct
D) A & B both are wrong

2. In the joint property, the right of partition is_____
A) Always there
B) Can not be there
C) Only "B" is correct
D) A & B both are wrong

3. An adult owner_____right to claim
his share
A) Always has
B) Does not
C) A & B both are correct
D) A & B both are wrong

4. The property which cannot be divided by its form or type, its division
_____done.
A) Can be
B) Cannot be
C) Depends on time and situations
D) None

5. Is there any difference between the rights of other owners and adopted son?
A) Yes
B) No
C) Only true
D) None of these