

# LAW

# CAPSULE

For Law Competitive Exams



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## PROPERTY OF FEMALE HINDU AND RULES OF SUCCESSION IN HER CASE

According to the Indian Law, property of a female Hindu to be her absolute property.

### Ingredients of Hindu Female Property are:

- The property must be acquired by a female Hindu;
- Before or after 1956;
- She must be full owner of the property and not limited owner;
- The property may be movable or immovable.

### Property is defined as Property-

- Received by way of inheritance;
- Received by way of partition;
- Received by way of arrears of maintenance;
- Received as gift from any person (before or after marriage);
- Acquired by own skill and exertion;
- Acquired by purchase;
- Received by way of prescription;
- Acquired in any other manner;
- Stridhan.

### Exceptions

In the following cases the Hindu female shall be a limited owner (if restricted estate given):-

- Gift;
- Will;
- Other instruments;
- Decree, Order or Award.

## GENERAL RULES OF SUCCESSION OF PROPERTY OF A FEMALE HINDU

### Succession may be-

- i. Intestate, or
- ii. Testamentary.

### Intestate Succession

- Intestate succession, *i.e.* succession without Will;
- Property devolves according to rules in Section 16 of the Hindu Succession Act.

### Groups of Heirs

- (a)
  - Sons and daughters;
  - Children of any pre-deceased sons or daughters;
  - Husband.
- (b) Heirs of the husband (as determined by sections 8 to 13 of the Succession Act);
- (c) Mother and father of the deceased;
- (d) Heirs of the father (as determined by sections 8 to 13 of the Succession Act);
- (e) Heirs of the mother (as determined by sections 15 and 16 of the Succession Act).

### Kinds of Property of a Deceased Hindu Female

1. Inherited from her father or mother
2. Inherited from her husband or father-in-law
3. Rest of the property

### Conditions

- i. Absence of any son or daughter of deceased