

# Contents

	PAGE
<i>About the Authors</i>	I-5
<i>Preface</i>	I-7
<i>List of Cases</i>	I-27

## **CHAPTER 1** **SCHOOLS OF HINDU LAW**

<b>1.1</b>	Concept of hindu law	2
<b>1.2</b>	Who are hindus?	2
<b>1.3</b>	To whom hindu law applies	3
<b>1.3.1</b>	Hindu by birth	4
<b>1.3.2</b>	Converts and reconverts to hinduism	6
<b>1.3.3</b>	Any person who is not a muslim, christian, parsi or jew and who is not governed by any other law	7
<b>1.4</b>	Commentaries on the schools of hindu law	7
<b>1.4.1</b>	Mitakshara	7
<b>1.4.2</b>	Sarasvati vilasa	8
<b>1.4.3</b>	Vivada ratnakar	8
<b>1.4.4</b>	Viramitrodaya	9
<b>1.4.5</b>	Aparārka candrikā	9
<b>1.4.6</b>	Smriti chandrika	9
<b>1.4.7</b>	Parasaramadhaviya	10
<b>1.4.8</b>	Madanaparijata	10
<b>1.4.9</b>	Vyavahramayukha	11

	PAGE
1.4.10 Dayabhaga	11
1.5 Schools of hindu law	12
1.5.1 Mitakshara school	12
1.5.2 Dayabhaga school	16
1.5.3 Differences between mitakshara and dayabhaga	19
1.6 The doctrine of Factum Volet	23
1.6.1 Application of this theory	24
SUMMARY	25

## **CHAPTER 2**

### **JOINT HINDU FAMILY**

2.1	Introduction	32
2.2	General presumption	33
2.3	Formation of a hindu joint family	35
2.3.1	By birth	35
2.3.2	By marriage	36
2.3.3	By adoption	36
2.4	Whether a joint family may consist of a single male member and widows of deceased male members?	36
2.5	Composition of a hindu joint family	37
2.6	Characteristics of a hindu joint family	37
2.7	A hindu, even if he be joint may possess separate property	38
2.8	No presumption regarding the joint nature of property	38
2.9	Any contribution from joint property make the property joint family property	41
2.10	Conversion of self acquired into joint family property	43
2.11	Difference between hindu joint family and hindu undivided family/joint property/coparcenary property	44
2.11.1	Presumption that a joint family continues joint	44
2.11.2	No presumption that a joint family possesses joint property	44
2.12	Succession under section 8 of the Hindu Succession Act, 1956 post CWT v. Chandersen	46
	SUMMARY	48

**CHAPTER 3****KARTA OF JOINT FAMILY: POSITION, POWERS AND PRIVILEGES**

<b>3.1</b>	Karta	53
<b>3.1.1</b>	Karta or Manager's legal position	53
<b>3.2</b>	Who can be a karta?	55
<b>3.2.1</b>	Senior most member	55
<b>3.2.2</b>	Whether junior member can be karta?	56
<b>3.2.3</b>	Female members as karta	59
<b>3.2.4</b>	Widow of a karta cannot be the karta	61
<b>3.2.5</b>	There cannot be two Karta	62
<b>3.3</b>	The karta cannot be equated with the manager of property	62
<b>3.4</b>	Powers of karta	62
<b>3.4.1</b>	Power of alienation of joint family property	63
<b>3.4.2</b>	Management of family property/business	71
<b>3.4.3</b>	Power over income and expenditure	72
<b>3.4.4</b>	Right to represent in suit etc.	74
<b>3.4.5</b>	Power to enter into compromise	75
<b>3.4.6</b>	Power to refer a dispute to arbitration	76
<b>3.4.7</b>	Power to contract debts for family purpose	76
<b>3.4.8</b>	Loan on promissory note	77
<b>3.4.9</b>	Power to enter into contracts	78
<b>3.4.10</b>	Power to give discharge	78
<b>3.4.11</b>	Power to acknowledge debts	78
<b>3.5</b>	Whether karta can possess separate property	79
<b>3.6</b>	Whether a business in the name of a karta could be presumed as a joint family asset?	79
<b>3.7</b>	Karta as a partner would not <i>ipso facto</i> make the other member of his family as partners	81
<b>3.8</b>	Karta's duties and liabilities	81
<b>3.8.1</b>	Duty to maintenance	82
<b>3.8.2</b>	Duty to render accounts at the time of partition	83
<b>3.8.3</b>	Duty to recover debts due to the family	84
<b>3.8.4</b>	Duty to represent joint family in suits etc.	84
<b>3.8.5</b>	Duty not to start new business without the consent of all the coparceners	84

	PAGE
3.8.6 Duty not to alienate the property without legal necessity or benefit of the estate	85
3.9 Position of karta under dayabhaga schools	85
3.9.1 Karta's powers and liabilities in dayabhaga schools	86
3.10 Dayabhaga joint family structure	86
3.10.1 Right by birth	86
3.10.2 No right of survivorship	86
3.10.3 Succession of property	86
SUMMARY	87

## **CHAPTER 4**

### **COPARCENARY**

4.1	Introduction	95
4.2	Formation of mitakshara coparcenary	97
4.2.1	Daughters are also coparcener	101
4.3	Characteristics of mitakshara coparcenary	102
4.3.1	Coparcenary is created by birth	102
4.3.2	Community of interest	102
4.3.3	Unity of ownership	103
4.3.4	Indivisible interest until partition	104
4.3.5	Coparcener has no fixed share	105
4.3.6	Devolution by survivorship (before 2005)	106
4.3.7	Coparcenary within a coparcenary	107
4.4	Rights of daughter as coparcener	108
4.4.1	Hardly matters if the father has died before december 20, 2004	109
4.4.2	Effect of marital status of a daughter	110
4.4.3	Effect of pre-deceased daughter	110
4.5	Incidents of joint family or coparcenary property	110
4.6	Right of coparceners under mitakshara school	111
4.6.1	Birth right to ancestral property	111
4.6.2	Common ownership	111
4.6.3	Right of common enjoyment/possession of the coparcenary property	112
4.6.4	Right to management	112
4.6.5	Right to alienation	113
4.6.6	Right to renounce his interest	113

	PAGE
4.6.7 Right to challenge an unauthorised alienation	113
4.6.8 Right to partition	114
4.6.9 Right to make acquisitions	119
4.7 Sole surviving coparcener	120
4.8 Ouster from coparcenary	120
4.8.1 Conversion	120
4.8.2 Marriage of a coparcener to a non-hindu under the Special Marriage Act, 1954	121
4.8.3 Murder	121
4.9 Children of void and voidable marriage as a coparcener	121
4.10 Adopted child and coparcenary	122
4.11 Illegitimate child as a coparcener	123
4.12 Devolution of the property by testamentary or intestate succession section 6(3)	123
4.13 Liabilities of coparceners	124
4.14 Unobstructed and obstructed heritage	125
4.14.1 Unobstructed heritage/property	125
4.14.2 Obstructed heritage/property	125
4.15 Formation and composition of coparcenary in dayabhaga school	126
4.15.1 Formation of coparcenary upon death	126
4.15.2 Whether coparcenary may consist of females only?	126
4.16 Specific rules of dayabhaga coparcenary formation	126
4.16.1 Key features of dayabhaga coparcenary	127
4.17 Heritage and property classification under the dayabhaga school	129
4.17.1 Sapratibandhadaya (obstructed heritage) in dayabhaga	129
4.17.2 Property classification in dayabhaga	129
4.17.3 Types of coparcenary property	129
4.17.4 Types of separate (self-acquired) property	130
4.18 Differences in coparcenary and coparcenary property: dayabhaga vs. mitakshara prior to 2005	130
4.19 Relevancy of coparcenary in the modern times	131
SUMMARY	132

**CHAPTER 5****DOCTRINE OF PIOUS OBLIGATION AND  
ANTECEDENT DEBTS**

<b>5.1</b>	What was the origin of doctrine of pious obligation?	137
<b>5.2</b>	PRE-2005 scenario	138
<b>5.3</b>	POST-2005 scenario	140
<b>SUMMARY</b>		142

**CHAPTER 6****PARTITION**

<b>6.1</b>	Meaning	145
<b>6.2</b>	<i>De facto</i> partition and <i>de jure</i> partition	147
<b>6.3</b>	Subject matter of partition	148
<b>6.4</b>	Funeral expenses of the mother	150
<b>6.5</b>	Properties incapable of division	151
<b>6.6</b>	Are the idols and places of worship divisible?	151
<b>6.7</b>	Can there be a partition of right of way?	152
<b>6.8</b>	Whether a coparcener can include a term or stipulation be put under the deed for the right to easement?	152
<b>6.9</b>	Share allotted to coparcener in partition	152
<b>6.10</b>	Who can claim partition?	154
<b>6.10.1</b>	Coparceners	154
<b>6.10.2</b>	Son/adopted son	155
<b>6.10.3</b>	Daughters	156
<b>6.10.4</b>	Children of void or voidable marriages	157
<b>6.10.5</b>	Illegitimate son and daughter	157
<b>6.10.6</b>	Purchaser of coparcener's interest	158
<b>6.10.7</b>	Absent coparcener	158
<b>6.10.8</b>	Minor's right to claim partition	160
<b>6.11</b>	Who cannot claim partition?	162
<b>6.11.1</b>	Father's wife or wife of topmost coparcener	162
<b>6.11.2</b>	Widowed mother	163

	PAGE
6.11.3 Grandmother	165
6.12 Procedure to claim partition or how partition is effected	167
6.12.1 Severance of status	167
6.13 Doctrine of relation back	172
6.14 Revocation of partition	173
6.15 Mode of partition	174
6.15.1 Partition by suit	175
6.15.2 Partition by agreement	176
6.15.3 Oral partition	176
6.15.4 Unilateral declaration	176
6.15.5 Partition through arbitration	177
6.15.6 Partition by conduct	177
6.15.7 Partition by will	177
6.15.8 Partition by father	177
6.15.9 Partial partition between the members of the family	178
6.16 Rules regarding the calculation of partition by metes and bounds	180
6.16.1 Application of rules – illustrations	181
6.17 Partition under dayabhaga law	187
6.18 Family arrangement v. partition	188
6.18.1 Key features of family arrangements in hindu law	188
6.18.2 Eligibility	189
6.18.3 Essential conditions for validity of family arrangement	192
SUMMARY	192

## **CHAPTER 7**

### **REOPENING OF PARTITION AND REUNION**

7.1 Reopening of partition	198
7.1.1 Son begotten and born after partition	200
7.1.2 Fraud	200
7.1.3 Mistake	200
7.2 Reunion	201
7.2.1 How is reunion effected?	202

	PAGE
7.2.2 Effect of reunion	202
7.2.3 Can there be a reunion agreement entered into by the father of the minor on his behalf?	203
7.2.4 Proof of reunion	203
<b>SUMMARY</b>	<b>204</b>

## ***CHAPTER 8***

### **HINDU SUCCESSION (AMENDMENT) ACT, 2005: FEATURES AND CHANGES BROUGHT**

8.1 Introduction	209
8.2 Need for codification of hindu law	209
8.3 Hindu Code Bill, 1948	211
8.4 Main features of the Hindu Succession Act, 1956	212
8.5 Background for the amendment in Hindu Succession Act, 1956	214
8.6 Changes introduced by the Hindu Succession (Amendment) Act, 2005	217
8.6.1 Deletion of section 4(2) of the Act	217
8.6.2 Rise in conflict in many laws	218
8.6.3 Abolition of doctrine of survivorship	219
8.6.4 Deletion of section 23	221
8.6.5 Deletion of section 24	222
8.6.6 Introduction of daughter as a coparcener	223
8.6.7 Married daughters as coparceners	223
8.6.8 Retaining the concept of notional partition	225
8.6.9 Concept of pious obligation abolished	225
8.6.10 Female coparceners eligible to make a testamentary disposition	226
8.6.11 New category of class-I heir introduced	227
8.6.12 Effect of Repeal and Amending Act, 2015	227
<b>SUMMARY</b>	<b>228</b>

## ***CHAPTER 9***

### **HINDU SUCCESSION ACT, 1956: A DETAILED ANALYSIS**

9.1 Important definitions	243
9.1.1 Agnate (section 3(a))	243



	PAGE
9.1.2 Cognate (section 3(c))	243
9.1.3 Fullblood “half blood” and “uterine blood” (section 3(e))	243
9.1.4 Heir (section 3(f))	244
9.1.5 Intestate (section 3(g))	244
9.1.6 Related (section 3(j))	244
9.2 General provisions relating to succession	244
9.2.1 Full blood preferred to half blood (section 18)	244
9.2.2 Mode of succession of two or more heirs (section 19)	244
9.2.3 Per capita and per stripe	244
9.2.4 Right of child in womb (section 20)	246
9.2.5 Presumption in cases of simultaneous deaths (section 21)	246
9.2.6 Preferential right to acquire property in certain cases (section 22)	246
9.2.7 Murderer disqualified (section 25)	247
9.2.8 Convert’s descendants disqualified (section 26)	248
9.2.9 Succession when heir disqualified (section 27)	249
9.2.10 Disease, defect, etc., not to disqualify (section 28)	250
9.2.11 Escheat (section 29)	250
9.2.12 Testamentary succession (section 30)	252
SUMMARY	252

## **CHAPTER 10**

### **GENERAL RULES OF SUCCESSION OF A HINDU MALE DYING INTESTATE**

10.1 Devolution of interest in coparcenary property (section 6)	257
10.1.1 Detailed explanation	259
10.1.2 Nature of property on succession where the father dies intestate	260
10.1.3 Applicability of section 6 after 2005 amendment	264
10.2 Devolution of property under intestate succession	267
10.2.1 Separate property	268
10.2.2 Property at the hands of sole surviving coparcener	268

	PAGE
10.2.3 Undivided share of heir in mitakshara coparcenary	268
10.2.4 Undivided share of heir in dayabhaga school	268
10.2.5 Share obtained on partition	268
10.3 Interest in tarvad, tavashi, kutumba, kavaru or illom (section 7)	269
10.4 Classification of heirs (section 8)	270
10.5 Rules regarding devolution of property	271
10.5.1 If there are no heirs in the class-I category	271
10.5.2 If there are no heirs in the class-II category	271
10.5.3 If there is no agnates	272
10.5.4 Class I heirs	272
10.5.5 Doctrine of survivorship (abolished in 2005)	284
10.5.6 Class II heirs	290
10.5.7 Recommendations of 204th Law Commission Report, 2008	296
10.6 Distribution of property among heirs in class I of the Schedule (section 10)	300
10.7 Distribution of property among heirs in class II of the Schedule (section 11)	300
10.8 Order of succession among agnates and cognates (section 12)	303
10.8.1 Classification of agnates	304
10.8.2 Cognates	305
10.9 Computation of degrees (section 13)	306
10.10 Dayabhaga school	311
SUMMARY	312

## **CHAPTER 11**

### **GENERAL RULES OF SUCCESSION OF A HINDU FEMALE DYING INTESTATE**

11.1 Property rights of hindu female prior to Hindu Succession Act, 1956	319
11.2 Stridhan and woman's estate	321
11.2.1 Hindu women's estate before Hindu Succession Act, 1956	321
11.2.2 Woman's property	322

	PAGE
11.2.3 Introduction of hinduwomen's Right to Property Act, 1937	324
11.3 Introduction of section 14 of Hindu Succession Act, 1956	326
11.3.1 Purpose of section 14	331
11.3.2 Requirements for the application of section 14(1)	331
11.3.3 Conversion of limited ownership into full ownership (section 14(1))	332
11.3.4 Is section 14 constitutional?	341
11.3.5 Mode of acquisition of property	341
11.4 Restricted estate explicitly conferred under a will or an award (section 14(2))	349
11.4.1 Difference between limited interest and restricted interest	351
11.4.2 Conflict in decision of <i>V. Tulsamma v. Shesha Reddy</i> and <i>Karmii v. Amru</i>	352
11.5 Female dying intestate under the Hindu Succession Act	353
11.5.1 Section 15(1)	355
11.5.2 Category of heirs as per section 15(1)	355
11.6 Section 15(2)	366
11.6.1 Section 15(2)(a)	367
11.6.2 Property inherited from husband or father-in-law (Section 15(2)(b))	370
11.7 Section 16 - Order of succession and manner of distribution among heirs of a female hindu	372
SUMMARY	377

## **CHAPTER 12**

### **HIBA: CONCEPT, FORMALITIES, CAPACITY, REVOCABILITY**

12.1	Meaning	384
12.2	Definitions	385
12.3	Donor	386
12.4	Capacity of donor	387
12.5	Capacity for the donee	387
12.6	Gift to unborn person	388

	PAGE
<b>12.7</b>	Gift of a debt or actionable claims 388
<b>12.8</b>	Benefit and intention theory 389
<b>12.9</b>	Subject-matter 390
<b>12.10</b>	Transfer 390
<b>12.11</b>	Essentials 390
<b>12.11.1</b>	Declaration of hiba/gift 391
<b>12.11.2</b>	An acceptance of the gift 400
<b>12.11.3</b>	Delivery of possession 403
<b>12.11.4</b>	Property should be existing 410
<b>12.11.5</b>	Subject matter must be certain 410
<b>12.11.6</b>	Without consideration 410
<b>12.12</b>	Marz-ul-maut 411
<b>12.12.1</b>	Evidence must be produced 412
<b>12.13</b>	Revocation of hiba 413
<b>12.13.1</b>	General rule 413
<b>12.13.2</b>	Exceptions 414
<b>12.13.3</b>	Parental gifts 414
<b>12.13.4</b>	Conditional gifts 414
<b>12.13.5</b>	Mutual consent 414
<b>12.13.6</b>	Irrevocability in certain cases 414
<b>12.14</b>	Gifts with conditions 415
<b>12.15</b>	Contingent gift 416
<b>12.16</b>	Hiba of undivided property (hiba-bil-mushaa) 416
<b>12.16.1</b>	Exceptions 416
<b>12.17</b>	Gift by the donor while reserving life estate with himself/ herself 418
<b>12.18</b>	Hiba-bil-Iwaz 419
<b>12.19</b>	Hiba-ba-shart-ul-iwaz (conditional hiba) 419
<b>12.20</b>	Difference between hiba-bil-iwaz and hiba-ba-shartul-iwaz 421
<b>12.21</b>	Sadaqah 423
<b>12.22</b>	Ariyat 423
<b>12.23</b>	Difference between hiba and wasiyat 423
<b>SUMMARY</b>	424

**CHAPTER 13**

**WASIYAT: CONCEPT, FORMALITIES**

<b>13.1</b>	Object	430
<b>13.2</b>	Essentials of wasiyat	431
<b>13.2.1</b>	Testator (Al-musi)	431
<b>13.2.2</b>	Legatee (Al-musalahu)	431
<b>13.2.3</b>	Legacy/subject matter of wasiyat (musi bihi)	432
<b>13.2.4</b>	Executor (wasi)	432
<b>13.2.5</b>	Declaration of the will (sighah)	432
<b>13.3</b>	Type of wasiyat	432
<b>13.3.1</b>	Oral wasiyat	433
<b>13.3.2</b>	Written wasiyat	433
<b>13.4</b>	Revocable in nature	433
<b>13.5</b>	Conditions and guidelines of wasiyat	433
<b>13.5.1</b>	Limit of testamentary power	434
<b>13.5.2</b>	No bequest for legal heirs	434
<b>13.5.3</b>	Consent of the heirs need not be express and may be signified by conduct	435
<b>13.5.4</b>	Debt settlement	436
<b>13.5.5</b>	Bequest must be for lawful purposes	436
<b>13.6</b>	Charitable wasiyat (sadaqah jariyah)	436
<b>13.7</b>	Wasiyat in case a person is governed by Indian Succession Act, 1925	437
<b>13.8</b>	Difference between shia law and sunni law	437
<b>13.9</b>	Registration of wasiyat	439
<b>13.10</b>	Codicil	438
<b>SUMMARY</b>		439

**CHAPTER 14**

**WAQF**

<b>14.1</b>	Meaning	445
<b>14.2</b>	Origin	445
<b>14.3</b>	Importance	446

	PAGE
<b>14.4</b> Important terminology	448
<b>14.5</b> Conditions to create a valid waqf	448
<b>14.6</b> Types of waqf	449
<b>14.6.1</b> Public waqf/religious waqf (waqf khayri)	449
<b>14.6.2</b> Waqf al-sabil	450
<b>14.6.3</b> Private waqf/family waqf (waqf-ulal-aulad)	450
<b>14.6.4</b> Waqf ahli	450
<b>14.7</b> Modes of creation of waqf in muslim law	451
<b>14.7.1</b> Inter vivos (during the lifetime of the waqif) by dedication	451
<b>14.7.2</b> Testamentary waqf (by will)	451
<b>14.7.3</b> Waqf during marz-ul-maut (deathbed illness)	452
<b>14.7.4</b> Waqf by immemorial use	452
<b>14.8</b> Succession where two or more mutawallis are jointly appointed	456
<b>14.9</b> Mutawalli from the female line/Female line of decent	457
<b>14.10</b> Powers and duties of mutawalli	458
<b>14.11</b> Hereditary rights to the office of mutawalli	459
<b>14.12</b> Custom should be reasonable and continuous	460
<b>14.13</b> Presumption against hereditary succession	462
<b>14.13.1</b> Strict proof is required	463
<b>14.14</b> Removal of mutawalli	463
<b>14.15</b> Distinctions between waqf and sadqah	465
<b>14.16</b> Distinctions between waqf and hiba	465
<b>14.17</b> Distinctions between waqf and trust	466
<b>14.18</b> Doctrine of cypress	466
<b>14.19</b> Waqf Amendment Act, 2013	467
<b>14.19.1</b> Power of wakf tribunal can entertain and adjudicate upon a dispute regarding eviction of a tenant holding wakf property	470
<b>14.19.2</b> Key legislative changes and developments in the administration of waqf properties in india through Waqf Act	473
<b>14.19.3</b> Analysis of the Waqf (Amendment) Bill, 2024	474

	PAGE
<b>14.19.4</b> What was the need of this bill?	474
<b>14.19.5</b> The issues concerned with waqf board	475
<b>14.19.6</b> Sachar Committee Report	475
<b>14.19.7</b> Recommendations by the joint parliamentary committee	476
<b>14.20</b> Key features of the Waqf (Amendment) Bill, 2024?	476
<b>14.21</b> Recent Amendment in Waqf Act, 1995	478
<b>SUMMARY</b>	485

## ***CHAPTER 15***

### **PRINCIPLES OF INHERITANCE UNDER MUSLIM LAW**

<b>15.1</b>	Introduction	489
<b>15.2</b>	Sources of muslim law of inheritance	490
<b>15.3</b>	Definition	490
<b>15.3.1</b>	Agnates	490
<b>15.3.2</b>	Cognates	490
<b>15.3.3</b>	Full blood	490
<b>15.3.4</b>	Uterine blood	490
<b>15.3.5</b>	Consanguinity	490
<b>15.3.6</b>	True grandfather	490
<b>15.3.7</b>	False grandfather	491
<b>15.3.8</b>	True grandmother	491
<b>15.3.9</b>	False grandmother	491
<b>15.3.10</b>	Per capita	491
<b>15.3.11</b>	Per stripes	491
<b>15.3.12</b>	Descendants	491
<b>15.3.13</b>	Ascendants	492
<b>15.3.14</b>	Collaterals	492
<b>15.3.15</b>	Escheat	492
<b>15.4</b>	Rules regarding the inheritance in islam	492
<b>15.4.1</b>	No birth right	492
<b>15.4.2</b>	No concept of joint family property/coparcenary in islam	492
<b>15.4.3</b>	Heritable property	492

	PAGE
15.4.4 Gender equality in succession	493
15.4.5 Vested interest of the legal heirs	493
15.4.6 Doctrine of primogeniture	493
15.4.7 Succession when there is a simultaneous death of two heirs	494
15.4.8 Succession of a missing person in islamic law	494
15.5 Distribution of the property varies in sunni law and shia law	494
15.5.1 Per capita distribution	495
15.5.2 Per stripe distribution	495
15.6 Rights of females	495
15.6.1 Widow's right to inheritance	495
15.6.2 Consummation of marriage is important	496
15.7 Right of inheritance of child in womb	496
15.8 Marriage under the Special Marriage Act, 1954	496
15.9 Conversion from muslim to another religion	496
15.10 Kinds of share under muslim law	496
15.10.1 Sharer	496
15.10.2 Residuaries	497
15.10.3 Distant kindred	497
15.11 Rule of exclusion	497
15.11.1 Perfect or absolute exclusion	497
15.11.2 Imperfect or partial exclusion	499
15.12 Doctrine of 'Aul' or increase or adjustment of shares	499
15.13 Doctrine of Radd or return	500
15.14 Inheritance under sunni law (hanafi law of inheritance)	501
15.14.1 Class I heirs	501
15.14.2 Class II heirs	502
15.14.3 Class III heirs	502
15.14.4 Rules of sharing	502
15.14.5 Rules of sharing if deceased left behind parents and siblings only	503
15.14.6 Rules of sharing if deceased left behind descendants only	503



	PAGE
15.14.7 Rules of sharing if deceased left behind (siblings) brothers and sisters only	503
15.14.8 Rules of inheritance	504
15.14.9 Residuaries	506
15.14.10 Distant kindred	506
15.15 Inheritance under shia law	513
15.15.1 Heirs by consanguinity (nasab), that is blood relationship	513
15.15.2 Heirs by special cause	513
15.15.3 Rules of sharing	513
15.15.4 Order of succession	515
15.15.5 Distribution among heirs of the third class	516
15.15.6 Doctrine of Aul (doctrine of increase)-Not Recognised in Shia Law	517
15.15.7 Doctrine of Rudd (doctrine of decrease)	518
15.15.8 Miscellaneous provisions	521
15.15.9 Difference between the sunni and shia law of inheritance	521
SUMMARY	522

### **CHAPTER 16**

#### **PRINCIPLES OF INHERITANCE UNDER PARSIS AND CHRISTIANS**

16.1 Succession in parsi	529
16.1.1 Key features	529
16.1.2 Succession in case parsi dying intestate under the Indian Succession Act of 1925	530
16.1.3 Division of share of predeceased child of intestate leaving lineal descendants	531
16.1.4 Widower of predeceased daughter shall not be entitled to inherit	532
16.1.5 Division of property where intestate leaves behind spouse only	532
16.1.6 Division of residue property to next-of-kin	533

	PAGE
16.1.7 Division of residue property in absence of next-of-kin	533
16.1.8 Division of property to next-of-kin in absence of spouse and lineal descendant	533
16.1.9 Division of property where there is no relative entitled to succeed	533
16.2 Succession in the case of indian christians	534
16.2.1 Intestate succession for indian christians	534
16.2.2 The rules for distribution of Intestate's property	535
16.2.3 Distribution where there are no lineal descendants	535
16.3 Succession principles common for christians and parsis	536
16.3.1 Rights of an illegitimate child	536
16.4 Difference between christian and parsi succession laws and succession laws of other religions	536
16.5 Testamentary succession (applicable to both christians and parsis)	536
16.6 Testamentary guardian	537
SUMMARY	537
SUBJECT INDEX	543