

Hello friends, I'm Sonali Naik, I'm an Assistant Professor at G.R.

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The name of the module is

'Succession to the property of a Hindu female dying Intestate under the Hindu Succession Act, 1956'.

The outline of this topic includes: the rules of succession in the case of a female dying intestate governed under the Hindu Succession Act of 1956.

We would here be dealing with Section 14, Section 15 and Section 16 of the Hindu Succession Act of 1956.

The learning outcomes: This topic will give the students knowledge of the general rules of succession in the case of a Hindu female dying intestate and governed by the Hindu Succession Act of 1956. The topic will also provide an insight into the order of succession and the manner of distribution of property among the heirs of the female Hindu.

Section 14 introduces fundamental changes in the concept of women's estate. It abolishes the women's estate and converts the existing women's estate into her absolute property, thereby conferring upon her the rights of absolute ownership of property owned by her whether before the commencement of this Act or after the commencement of this Act. However, Section 15(2).

is in the nature of exceptions. It saddles her powers of absolute ownership and creates fetters upon her powers of ownership of property, inherited or acquired by her under certain circumstances, which are stated in the section.

We now go on to section 15. Section 15 lays down the general rules of succession in the case of a female dying intestate.

The property of a Hindu female owned by her after the Hindu Succession Act of 1956, devolves in accordance with the said order upon the following heirs.

Firstly, upon the sons, daughters and husband.

Secondly, upon the heirs of the husband,

Thirdly upon the mother and the father

Fourthly upon the heirs of the father and

Lastly, upon the heirs of the mother.

Let me now go to explain the meanings of certain expressions used under Section 15

**Sons, Daughters of female interstate,**

would include sons and daughters born to the Hindu female from any husband, whether former or later. Sons and daughters used under entry I would also include her illegitimate children, however they would not include her stepchildren. The expression sons and daughters.

Would also include sons and daughters of a predeceased son or a predeceased daughter.

The term **husband** implies a lawfully wedded husband, the last lawfully wedded husband.

We move on to the '**heirs of the husband**'. Now in the absence of sons, daughters and husband, the property would devolve upon the heirs of the husband. The word husband has already been discussed. It means the last lawfully wedded husband of the Hindu female. The heirs of the husband under the section would imply the heirs of a Hindu male dying Intestate as mentioned under Section 8 of the Hindu Succession Act of 1956. In the absence of the heirs of the husband, the property would then devolve upon the mother and the father,

The term **mother and father** imply natural parents, but they do not imply step-parents. The word mother and father would also include adoptive parents in the absence of natural mother and father.

The property would in the absence of father and mother devolve upon the **heirs of the father**. Now heirs of the father would have the same meaning as discussed at entry II that is in relation to the heirs of the husband, so that in relation to the father it would mean the heirs

of a male dying Intestate as prescribed under Section 8 of the Hindu Succession Act of 1956. In the absence of the above heirs, the property would finally devolve upon the heirs of the mother. The word mother has already been discussed and the Word or the expression mother would include the heirs of a female dying Intestate.

We move to the exception under Section 15(2). Now, Section 15(2) is in the nature of exceptions. It provides that the property of a Hindu female would under certain circumstances not devolve in accordance with section 15, (1) but would devolve in accordance with the provisions laid down in Section 15(2) clause (a) and (b).

Clause (a) provides that the property inherited by a Hindu female from a father or a mother shall, in the absence of her own children or grandchildren, devolve not in accordance with the rules or the order laid down in Section 15(1), but upon the heirs of the father.

And any property inherited by Hindu female from her husband or her father-in-law shall, in the absence of her own children or a child or children of a predeceased child or children, would devolve again not in accordance with section 15(1),

but in accordance with the rules laid

down in clause (b), that is, upon the heirs of the husband. So

from section 15(2) clause (a) and (b) we realize that the

doctrine of reversionary has been retained by the Hindu Succession Act of 1956. Now,

according to the doctrine of reversionary the property

reverts back to the heirs of the last owner of that property.

Section 15 lays down the order of preference and Section 16

lays down the order of succession and the manner of

distribution of property among the heirs mentioned in Section

15(1) now in

Section 15. We have seen that there are different classes of

heirs . We have also seen that at one entry there may be more than one heir.

Now. How would a property of a Hindu female devolve in the

presence of more than one heir at one entry? Or how would the

property of a female devolve where there are more than one

heirs at one entry? Now the lead is provided in Section 16 of the

Act. It provides that.

Those in entry one shall always be preferred to those in the

succeeding entries and those at the same entries shall succeed

simultaneously. It also provides that where there is a child or

children of any predeceased son or predeceased daughter, then in

such a situation these grandchildren would represent their parent in this succession on the basis of the doctrine of representation.

Now in conclusion. We can say that the Act has retained the doctrine of reversionary, which existed under the traditional law. Now, although Section 14 has brought about a significant change, we see that the law has its some reservations, although it has granted absolute ownership to the Hindu female. Yet we see that the doctrine of Reversionary has been retained by the Act. However, there is a point that I'd like to make sure the Hindu female is free to dispose of her property by a testamentary disposition and the source of the property becomes vital only for the purpose of intestate succession.

Thank you.