

INHERITANCE UNDER HINDU SUCCESSION ACT, 1956 IN INDIA

Succession in the Hindus is governed by the Hindu succession Act, 1956, which bases its rule of succession on the basic principle of propinquity, i.e., preference to heirs on the basis of proximity of relationship. Earlier females were excluded, however this rule of exclusion of females has been done away with.

The law of intestate succession is concerned with matters as to who are the heirs, what are the rules of preference among the various relations, in what manner is the property distributed in case there is more than one heir and so on.

Intestate Succession - A person who dies without making a will is known as intestate. An heir is a person entitled to inherit property after the death of the intestate

The Hindu Succession Act applies to the whole of India except the State of Jammu and Kashmir.

The Act applies to all Hindus, Buddhists, Jainas, Sikhs and to any other person who is not a Muslim Christian, Parsi or Jew.

Special Marriage Act

- If a Hindu marries a non-Hindu under the Special Marriage Act, he shall be severed from the undivided family. However if two persons who are Hindus get married under the Special Marriage Act no such severance takes place.
- If a Hindu marries a non-Hindu under the Special Marriage Act succession to the property of such person whose marriage is solemnized under this Act and to the property of the issue of such marriage shall be regulated by the provisions of the Indian Succession Act. However if two persons who are Hindus get married under the Special Marriage Act the above provision does not apply and they are governed by the Hindu Succession Act.

Joint Family Property

Under the Mitakshara School, the joint family property devolves by survivorship.

When a male Hindu dies after the commencement of this Act having at the time of his death an interest in a Mitakshara coparcenary property, his interest in the property shall devolve by survivorship upon the surviving members of the coparcenary and not in accordance with this Act.

However if the Mitakshara dies leaving behind a female relative or male relative claiming through Class I, this undivided interest will not devolve by survivorship but by succession as provided under the Act.