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# No HC relief for woman's original kin

## Siblings Cannot Claim Property That Is Bequeathed To Her By In-Laws

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**Mumbai:** A woman's siblings or her relatives in her original family cannot claim or inherit property bequeathed to her through her husband's family, the Bombay high court has ruled. Dismissing a petition filed by a Mumbai-resident claiming right to the property of a female relative, Justice S J Vazifdar recently in an important order held that no such claim could be maintained under the Hindu Succession Act.

"The relations of a wife in her original family would not be entitled to inherit the property that she may in turn have inherited from her husband's side," said the judge, while dismissing the petition filed by one Reshma Bhandari.



### HINDU SUCCESSION ACT

#### WOMAN'S PROPERTY

- **Who can stake claim:**

Children/grandchildren and husband, heirs of her husband, her parents, heirs of her father, heirs of her mother in that order.

#### WOMAN'S PROPERTY FROM HER PARENTS

- **Who can stake claim:**

Children/grandchildren and husband, heirs of her father in that order.

#### WOMEN'S PROPERTY FROM HER HUSBAND OR FATHER-IN-LAW

- **Who can stake claim:**

Children/grandchildren, heirs of her husband in that order.

Reshma had made a claim to the property of Sakharam Padman Keni and his wife Soni bai her grounds for staking the claim was that her great grandfather was the brother of Sonibai.

Faced with the claim and the fact that there was no one from the Keni family to defend the petition, the high court appointed senior advocate Y S Jhagirdar as amicus curiae (friend of the court) to help the court sort out the legal wrangle.

Jhagirdar referred to the rules of inheritance in case of female Hindus as per the Hindu Succession Act. Under the Act, the property of a female Hindu dying intestate (without a legal will) would firstly go to her sons and daughters or their children and her husband. In case of no immediate heirs, the property would go to the husband's relatives, in their absence on her mother and father and lastly on father's/mother's heirs.

In case of property that the woman was inherited from her parents, on her death it would go to her children or grand children and in their absence her father's heirs. More importantly Jhagirdar pointed out that according to the Act, any property that a woman had inherited from her husband or father in law, would be inherited on her death by her children/grandchildren or in case she is childless the property would go to her husband's heirs.

The court rejected the claims and said that the Bhandari family could have succeeded to only that part of the estate of Sonibai which she had inherited from her father or mother. "The property inherited by Sonibai from her husband would devolve upon the heirs of the husband," said the judge, adding that Sonibai had even otherwise predeceased her husband and in any case did not inherit the property.