

THE INDIAN SUCCESSION ACT, 1925

PART I & II

1 DEFINITIONS :

- Administrator : a person appointed by competent authority to administer the estate of a deceased person when there is no executor;
- Codicil : an instrument made in relation to a will, and explaining, altering or adding to
- Executor : a person to whom the execution of the last will of a deceased person is, by the testator's appointment, confided its dispositions, and shall be deemed to form part of the will
- Probate : the copy of a will certified under the seal of a Court of competent jurisdiction with a grant of administration to the estate of the testator
- Minor : any person subject to the Indian Majority Act, 1875 (9 of 1875.), who has not attained his majority within the meaning of that Act, and any other person who has not completed the age of eighteen years; and "minority" means the status of any such person
- Will : the legal declaration of the intention of a testator with respect to his property which he desires to be carried into effect after his death

2 The domicile (part II) of the Indian Succession Act, 1925 does not apply if the deceased was a Hindu, Muhammadan, Buddhist, Sikh or Jaina

3 A person wants domicile in India, the time limit he has been resident in India is ?

Any person may acquire domicile in India, provided that he has been resident in India for on year immediately preceding the time of his making writing delaration.

4 How the domicile of minor is followed ?

The domicile of a minor follows that domicile of the parent from whom he derived his domicile of origin

Exception : The domicile of a minor does not change wih that of his parent, if the minor

- (a) is married
- (b) holds any office or employment in the government service
- (c) he has set up, with the consent of the parent, in any distinct business

5 If a person dies leaving moveable property in India, in the absence of proof of any domicile elsewhere -

Succession to the property is regulated by the law of India.

Meaning	
Domicile	: the place where a person lives
Intestate	: a person dies without having made a will

PART V

(Intestate Succession)

6 This part shall not apply to the property of any Hindus, Muhammadan, Buddhist, Sikh or Jaina

7 A person left no will. He has died intestate in respect of -

the whole of his property

8 The property of an intestate, should go according to the rules given below ; (Section 33)

I Where intestate has left widow and lineal descendants, or widow and kindred only, or widow and no kindred.

Where the intestate has left a widow -

1 if he has also left any lineal descendants, one-third of his property shall belong to his widow, and the remaining two-thirds shall go to his lineal descendants, according to the rules hereinafter contained

2 save as provided by section 33A, if he has left no lineal descendant, but has left persons who are of kindred to him, one-half of his property shall belong to his widow, and the other half shall go to those who are kindred to him, in the order and according to the rules hereinafter contained;

3 if he has left none who are of kindred to him, the whole of his property shall belong to his widow.

Where has left widow and no lineal descendants - (Section 33 A)

1) Where the intestate has left a widow but no lineal descendants and the net value of his property does not exceed five thousand rupees, the whole of his property shall belong to the widow.

2) Where the net value of the property exceeds the sum of five thousand rupees, the widow shall be entitled to five thousand rupees thereof and shall have a charge upon the whole of such property for such sum of five thousand rupees, with interest thereon from the date of the death of the intestate at 4 per cent. per annum until payment.

3) The provision for the widow made by this section shall be in addition and without prejudice to her interest and share in the residue of the estate of such intestate remaining after residue shall be distributed in accordance with the provisions of section 33 as if it were the whole of such intestate's property.

4) The net value of the property shall be ascertained by deducting from the gross value thereof all debts, and all funeral and administration expenses of the intestate, and all other lawful liabilities and charges to which the property shall be subject.

Where intestate has left no widow, and where he has left no kindred - (Section 34)

Where the intestate has left no widow, his property shall go to his lineal descendants or to those who are of kindred to him, not being lineal descendants, according to the rules hereinafter contained; and, if he has left none who are of kindred to him, it shall go to the Government.

Meaning		
lineal	:	blood related
descendants	:	a person who is related to someone and who lives after them,
Domicile	:	the place where a person lives
Intestate	:	a person dies without having made a will