



Distribution of property of Hindu person as per succession laws – if No Will

A written and a registered Will, is the best and most convenient way for you to pass on your estate to the persons whom you want to. Now what happens if a person dies without a will and to whom his/her property will pass on? The Hindu Succession Act 1956 is quite clear about it.

1. If the Deceased is a Male

The property of a Hindu male dying intestate, or without a will, would be given first to heirs within Class I. If there are no heirs categorized as Class I, the property will be given to heirs within Class II. If there are no Class I or II heirs, then the property will first go to agnates (distant blood relatives of male lineage) and if no agnates are available then to cognates (distant blood relatives of male or female lineage). And if there are no cognates then the estate will go to government. The detail is as under:

Class I Legal Heirs

The following relations are considered to be Class I heirs:

- Son/Daughter
- Widow
- Mother
- Son/Daughter of a pre-deceased son (pre-deceased means “already Dead”)
- Son/Daughter of a pre-deceased Daughter
- Widow of a pre-deceased son
- Son/Daughter of a pre-deceased son of a pre-deceased son (3 levels)
- Widow of a pre-deceased son of a predeceased son

The widow (or widows), mother and each of the children (son or daughter, the law makes no distinction) take equal shares. Where one or more of such sons or daughters is no more, then, the Class 1 heirs in that branch will all jointly stand in the place left behind by such deceased son or daughter and shall take between them one share.

Class 1 Heirs Flow as per Hindu Succession Law

Firstly to -
Mother, Widow, Son Daughter



Secondly to -
Widow of pre-deceased son, son of pre-deceased son, Daughter of pre-deceased son



Thirdly to -
Widow of pre-deceased sons of a predeceased son, son of predeceased son of predeceased son,
daughter of predeceased son of a predeceased son



Fourthly to -
Daughter of a predeceased daughter,
Son of a predeceased daughter



Fifthly to
Son of a predeceased daughter's predeceased daughter,
Daughter of a predeceased daughter's predeceased daughter



Sixthly to -
Daughter of a predeceased son of a predeceased daughter,
Daughter of a predeceased daughter of predeceased son

Class II Legal Heirs

In case no Class-I heirs are available, Class-II heirs, are considered. Among the heirs specified in Class II, those who are mentioned first get the property simultaneously and in exclusion to those in the subsequent entries. For example, if the father is no longer live, then the second in list such as “(1) Son’s daughter’s son (2) son’s daughter’s daughter, (3) brother,(4) sister” will get the property in equal measure, provided all the heirs are available. However, whoever is alive will get the property in equal proportion.

- (i) Father
- (ii) (1) Son’s daughter’s son (2) son’s daughter’s daughter, (3) brother,(4) sister.
- (iii) (1) Daughter’s son’s son, (2) daughter’s son’s daughter , (3) daughter’s daughter’s son, (4) daughter’s daughter’s daughter.
- (iv) (1) Brother’s son (2) Sister’s son, (3) brother’s daughter (4) Sister’s daughter.
- (v) Father’s father. Father’s mother.
- (vi) Father’s widow, brother’s widow.
- (vii) Father’s brother, father’s sister.
- (viii) Mother’s father, mother’s sister.
- (ix) Mother’s brother, mother’s sister.

CLASS II heirs

1. Father

2. son's daughter's son

3. son's daughter's daughter

4. Brother (full blood or half blood)

5. Sister (full blood or half blood)

6. daughter's son's son

7. daughter's son's daughter

8. daughter's daughter's son

9. daughter's daughter's daughter

10. Brother's son (full blood or half blood) (uterine blood is excluded)

11. Brother's daughter (full blood or half blood) (uterine blood is excluded)

12. sister's son (full blood or half blood) (uterine blood is excluded)

13. sister's daughter (full blood or half blood) (uterine blood is excluded)

14. Father's father

15. Father's mother

16. father's widow

17. Brother's widow

18. Father's brother/sister

19. Mother's father/mother

20. Mother's brother/sister

2. If the Deceased is a Female

The property of a female Hindu dying without a will shall devolve according to the following rules:

(a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;

(b) secondly, upon the heirs of the husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the father; and

(e) lastly, upon the heirs of the mother.

In case of a Hindu female dying intestate and without any issue or any children or any predeceased children, any property inherited by her from her parents shall not devolve upon her husband or his heirs but revert to her natal family.

Similarly, in case a Hindu female dies intestate and without any issue or any children or any predeceased children, then any property inherited by her from her husband or her father-in-law devolves upon the heirs of her husband.

Thus, property inherited from her husband would not devolve upon her father or his heirs.

Agnates and Cognates

If there are no heirs in Class II, the property will be given to the deceased's agnates (a male or female descendant by male links from a common male ancestor) or relatives through male lineage (for example first cousin and their children). If there are no agnates or relatives through the male's lineage, then the property is given to the cognates (One related by blood or origin with another, especially a person sharing an ancestor with another), or any relative through the lineage of males or females (for example second cousin and their children).

Certain Exceptions

- Any person who commits murder is disqualified from receiving any form of inheritance from the victim.
- Full Blood preferred to Half blood
- If a relative converts from Hinduism, he or she is still eligible for inheritance. The descendants of that converted relative, however, are disqualified from receiving inheritance from their Hindu relatives, unless they have converted back to Hinduism before the death of the relative.
- Widows remarrying are not entitled to inherit as widow