

Distribution of properties of Parsi person as per succession laws – if No Will

The Following points has to be considered while distributing the property of a Parsi died without a will:

1. Whoever actually born in the lifetime of the deceased Parsi person or at the date of his death only conceived in the womb and subsequently born alive, is considered.
2. If a lineal descendant i.e a child or remoter issue dies before the deceased Parsi without leaving widow or widower or lineal descendant or widow or widower of lineal descendant, the share of such child shall not be taken into consideration.
3. Where a widow or widower of any relative marrying again during the lifetime of the intestate Parsi, such widow or widower is not entitled to receive any share in the property of the deceased Parsi.

General Rules for Division of the property of a Parsi died without a will among widow, widower, children and parents :

1. Widow & Children : Each of them receive equal shares.

E.g.

Son	Widow	Daughter
1	1	1

2. No widow & children: Equally among children

E.g.

Widow	Son	Daughter
0	1	1

3. Parents in addition to widow or widower and children : Father's share is equal to half the share of the son and the mother's share is equal to half the share of the daughter. If one of the parents survives, he or she gets the same share.

E.g.

Widow	Son	Daughter	Father	Mother
1	1	1	½	½

* **Some important points to be noted:**

- a. The parents get the share only when the son dies without the will and not in the case of the daughter
- b. Parents does not include stepfather & stepmother.
- c. Sons and daughters include both full blood & half blood.

A) Rules for Division of share of predeceased child of Parsi intestate leaving lineal descendants:

1. If the deceased child is a son : His widow & children shall take the shares as per the above general rules as if he had died immediately after his deceased father. Provided that where such deceased son has left a widow or a widow of a lineal descendant but no lineal descendant, the residue of his share after such distribution has been made shall be divided in accordance with the above rules as property of which the intestate has died intestate, and in making the division of such residue the said deceased son of the intestate shall not be taken into account.
2. If the deceased child is a daughter : Her share shall be equally divided among her children.
3. If any child of such deceased child has also died during the lifetime of the Parsi intestate, his share will be divided in accordance with the above general rules.
4. If the remoter lineal descendants of the intestate has died during the lifetime of the Parsi intestate , his or her widow and /or children will take the share of their predeceased parent.

B) Rules for Division of property where Parsi intestate leaves no lineal descendant but leaves widow or widower or a widow or widower of any lineal descendants:

1. Widow or Widower but no widow or widower of a lineal descendant :

Widow or Widower	Relatives
$\frac{1}{2}$	$\frac{1}{2}$

2. Widow or Widower and also widow or widower of a lineal descendant :

Widow or Widower	Widow of lineal descendant	Relatives
$\frac{1}{3}$	$\frac{1}{3}$	

3. No Widow or Widower but widow/(s)of a lineal descendant :

i)	On e widow of lineal descendant	Relatives
	$\frac{1}{3}$	$\frac{2}{3}$
ii)	More than one widow of lineal descendants	Relatives
	$\frac{2}{3}$	$\frac{1}{3}$

4. **Relative Share distribution** : the share will be distributed in the following order and the next -of-kin standing first will be preferred to those standing second and second to third and so on.

i)Father and mother.

ii) Brothers and sisters (other than half brothers and sisters) and lineal descendants of such of them as shall have predeceased the intestate.

iii) Paternal grandparents.

iv) Children of paternal grandparents and the lineal descendants of such of them as have predeceased the intestate.

v) Paternal grandparents' parents.

- vi) Paternal grandparents' parents' children and the lineal descendants of such of them as have predeceased the intestate.
 - vii) Maternal grandparents and their lineal descendant and their children.
 - viii) Half brothers and sisters and the lineal descendants of such of them as have predeceased the intestate.
 - ix) Widows of brothers or half brothers and widowers of sisters or half sisters.
 - x) Paternal or maternal grandparents' children's widows or widowers.
 - xi) Widows or widowers of deceased lineal descendants of the intestate who have not married again before death of the intestate
- C) **Where there is no relative as specified above, the property of the Parsi who has died intestate shall be divided equally among those of the intestate's relatives who are in the nearest degree of kindred to him.**