

INTESTATE SUCCESSION

PARSIS & INDIAN CHRISTIANS

Indian Succession Act, 1925

A visual, layman-friendly guide to who inherits, when, and how much.



PARSIS

Secs. 50–56



INDIAN CHRISTIANS

Secs. 32–49

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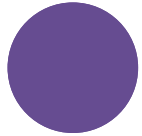
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The common starting point

“Intestate” = dying without a Will governing the property

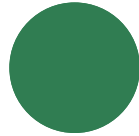
ONE QUESTION FIRST

Who survives the deceased?



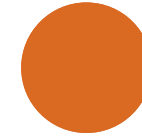
SPOUSE

Widow / widower



LINEAL DESCENDANTS

Children → grandchildren



KINDRED

Other relatives

Parsi rules: focus first on lineal descendants. **Christian rules:** spouse first, then descendants or kindred.

PARSIS — the basic architecture

Sections 50–56



SEC. 50 | GENERAL PRINCIPLES

1

Conceived child

If later born alive,
treated like a child already born.

2

Predeceased line

A child who died before the
intestate and left no qualifying
spouse/descendant
is ignored.

3

Remarried spouse

A widow/widower of a relative who
remarried during the intestate's
lifetime is treated as not existing.

Then ask: **“Are there lineal descendants?”**

YES → Sec. 51 / 53

NO → Sec. 54 / 55

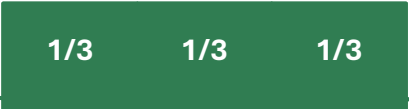
PARSIS — when lineal descendants exist

Section 51: start with the immediate family

A Widow / widower + children



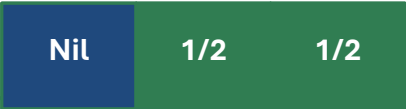
Spouse = 1 equal share
Each child = 1 equal share



B Children, no spouse



Children divide the estate
equally



C Parents + spouse/children



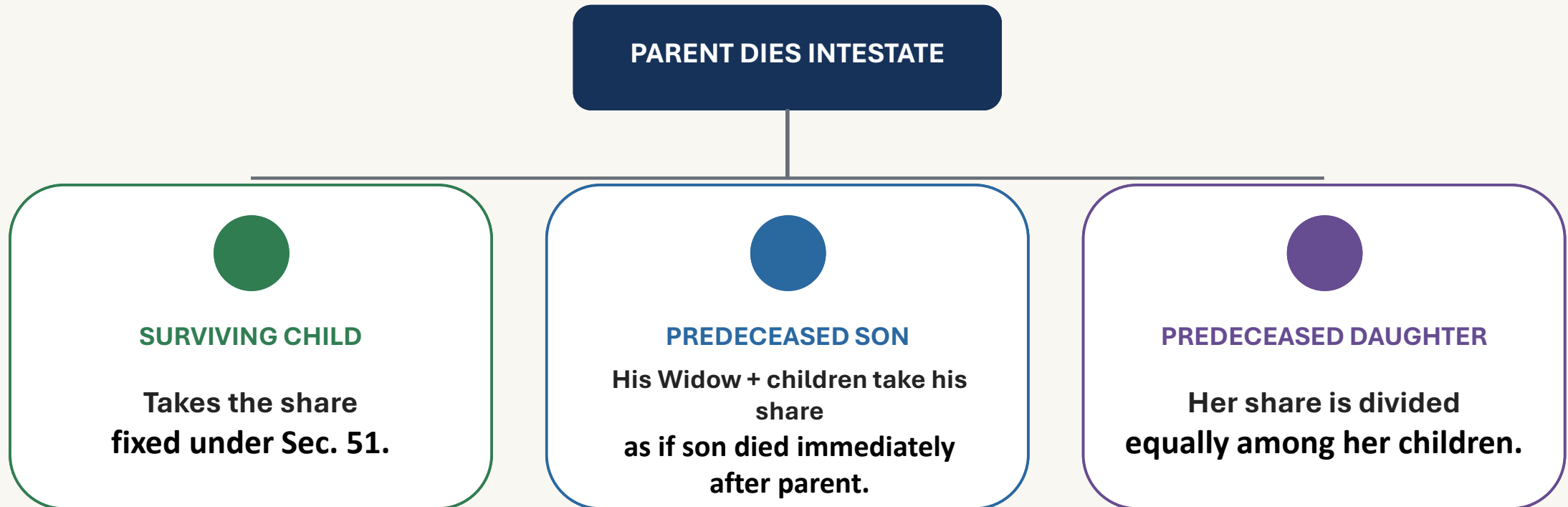
Each parent (father/mother of
deceased) = 1/2 of
each child's share

One Parent = 1/2 child

Illustration: if spouse + 2 children survive, the estate is split into 3 equal shares.

PARSIS — a predeceased child does not lose the family branch

Section 53: the deceased child's notional share is worked out and then passed down



If the deceased son left a widow/widower of a lineal descendent but no lineal descendent, the remaining share after giving the widow goes back to the estate and is distributed as if the son is not alive.

For a predeceased grandchild or remoter descendant, the same principle is carried further down (Sec. 53(c)–(d)).

PARSIS — no lineal descendants, but spouse / spouse of descendant exists

Section 54

1

Spouse only

Spouse gets $\frac{1}{2}$

Remaining $\frac{1}{2}$ → relatives

RESIDUE → RELATIVES

2

**Spouse + spouse(s)
of lineal descendant**

**Spouse gets $\frac{1}{3}$
Other qualifying spouse(s)
collectively get $\frac{1}{3}$**

Remaining $\frac{1}{3}$ → relatives

RESIDUE → RELATIVES

3

**No spouse + spouse(s)
of lineal descendant**

**One such spouse → $\frac{1}{3}$
More than one → collectively $\frac{2}{3}$**

Residue → relatives

RESIDUE → RELATIVES

Relatives of Intestate are selected in the order in Part I of Schedule II; same degree = equal shares.

PARSIS — when neither descendants nor qualifying spouse exists

Sections 55–56

SEC. 55

No descendants + no spouse



Next-of-kin in Part II of Schedule II

Nearest class first → then next class

Male & female in the same degree share equally.

SEC. 56

No relative entitled under the earlier rules



Nearest degree of kindred

Those relatives share the property equally.

PARSI RULE → Lineal Descendants & Widow → descendant-spouse → Schedule II relatives → Kindred

INDIAN CHRISTIANS — the starting framework

Sections 32–35



SEC. 32

Property devolves
according to the statutory order.

WIDOW / WIDOWER?

YES → Section 33

No widow/widower → Section 34

NO WIDOW / WIDOWER

Descendants / kindred → statutory order

No kindred → **GOVERNMENT**

SEC. 35 | Surviving husband has the same intestate rights as a widow.

INDIAN CHRISTIANS — widow / widower shares

Section 33

A Spouse + lineal descendants

Spouse 1/3

Lineal descendants 2/3

1/3

2/3

B Spouse + kindred, no descendants

Spouse 1/2

Kindred 1/2

1/2

1/2

C Spouse + no kindred

Spouse 100%

No competing class

ALL

For an intestate Indian Christian, the surviving husband is treated equivalently to surviving widow under Section 35.

INDIAN CHRISTIANS — the lineal-descendant ladder

Sections 36–40

1

SEC. 37

Children only

Surviving children divide equally.

2

SEC. 38

No child → grandchildren

Surviving grandchildren divide equally.

3

SEC. 39

Only great-grandchildren / remoter

Nearest surviving degree takes equally.

4

SEC. 40

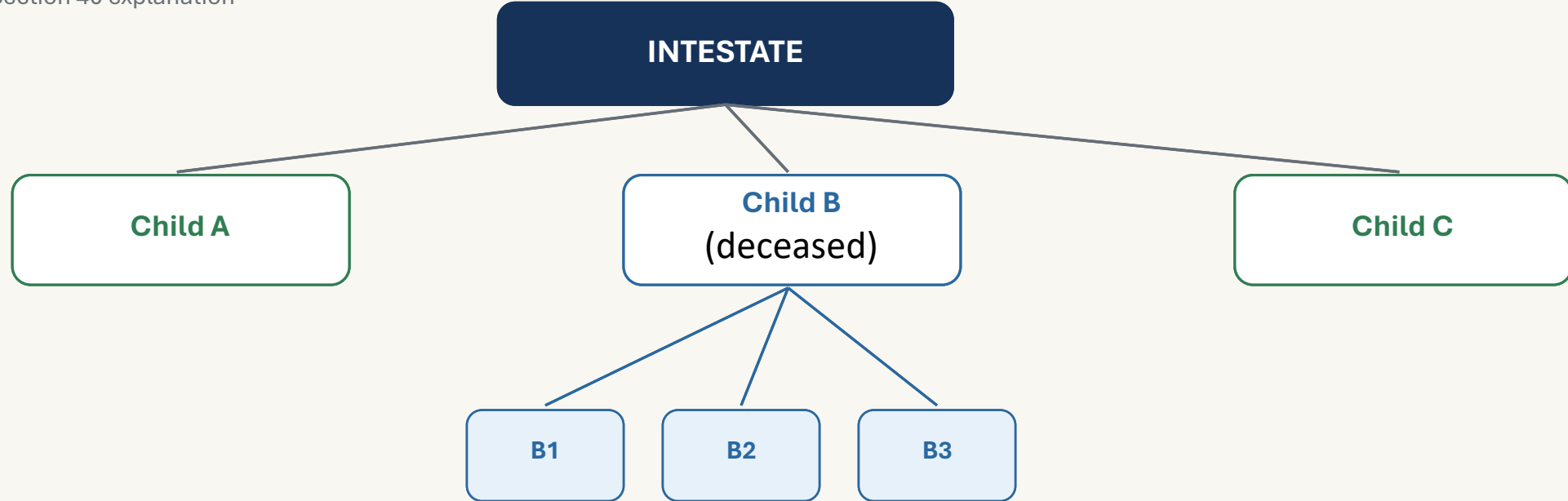
Different degrees

Create equal branches; descendants step into the deceased parent's branch.

Sec. 40 is the key “branch” rule when descendants stand in different degrees.

INDIAN CHRISTIANS — what “per stirpes” looks like

Section 40 explanation



Step 1 Divide estate into 3 parent branches.

Step 2 B's branch is shared by B1, B2, B3.

RESULT

A = 1/3 | B1+B2+B3 = 1/3 | C = 1/3

INDIAN CHRISTIANS — no lineal descendants: who comes next?

Sections 41–48

1

SEC. 42

Father living

Father takes the property.

2

SEC. 43

Mother + siblings (Father dead)

Mother + each living sibling equally.

3

SEC. 44

Mother + sibling branches (Father dead)

Mother + living siblings + children of deceased siblings take equal shares.
(children per stirpes)

4

SEC. 45

Only mother + deceased sibling branches

Mother + children of deceased siblings take equal shares.
(children per stirpes)

5

SEC. 46

Mother only

Mother takes the property.

6

SEC. 47

No parents

Brothers/sisters + children of deceased siblings take equal shares.
(children per stirpes)

7

SEC. 48

No closer class

Nearest degree of kindred → equal shares.



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