

“What happens if you don’t prepare a 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. However, if you die without a Will, it means you have died “intestate.”

When this happens, the intestacy laws will determine how your property is distributed upon your death. Further, the distribution of estate will be done based on the whether the deceased is male or female.

How To Distribute The Property To Legal Heirs Of Deceased Individual If There Is No Will:

1. If the Deceased is male:

The estate of a Hindu male dying intestate, or without a will, would be first distributed to heirs within Class I. All the below Class I heirs take the property **simultaneously** i.e. equally and in priority succession to all the other heirs

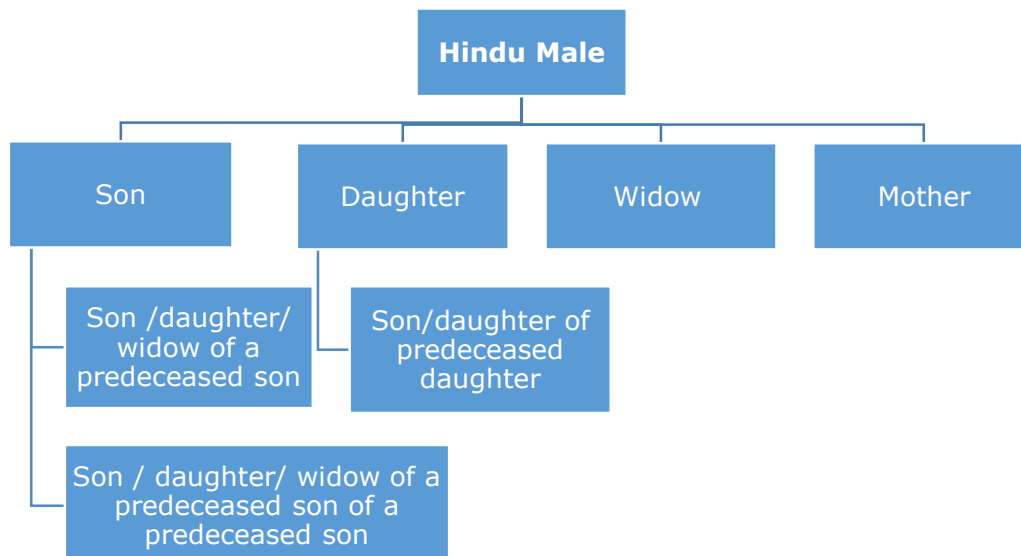
If there are no heirs categorized as Class I, the estate will be given to heirs within Class II.

If there are no Class I or II heirs, then the property will first go to agnates and if no agnates are available then to cognates and if there are no cognates, then the estate will go to government (Summarised in below diagram)

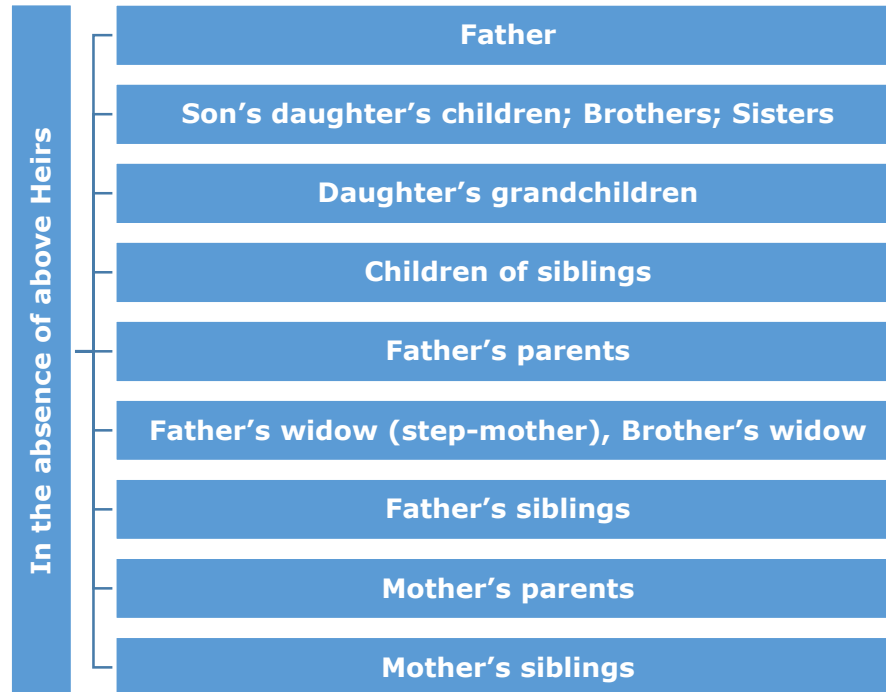


Definitions:

Class I Heirs



Class II Heirs



Note:

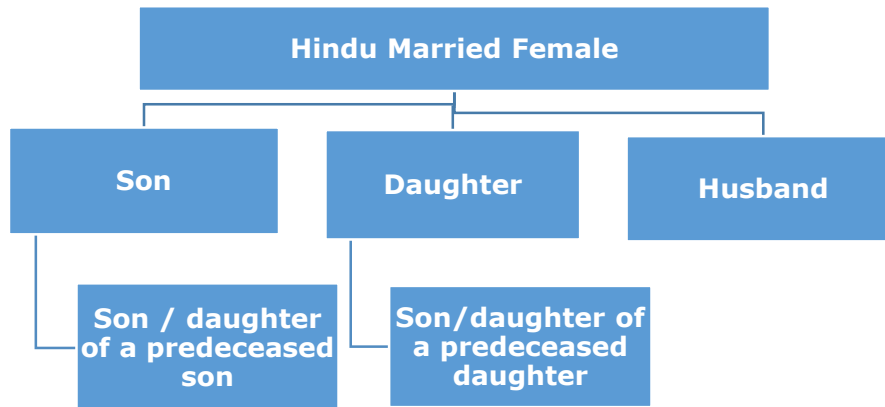
- If father is surviving then he takes the property in exclusion to all other heirs i.e. those in the first entry take the property in exclusion to all those in the subsequent entries.
- All the heirs specified in one entry get an equal share in the property.

Agnates & Cognates:

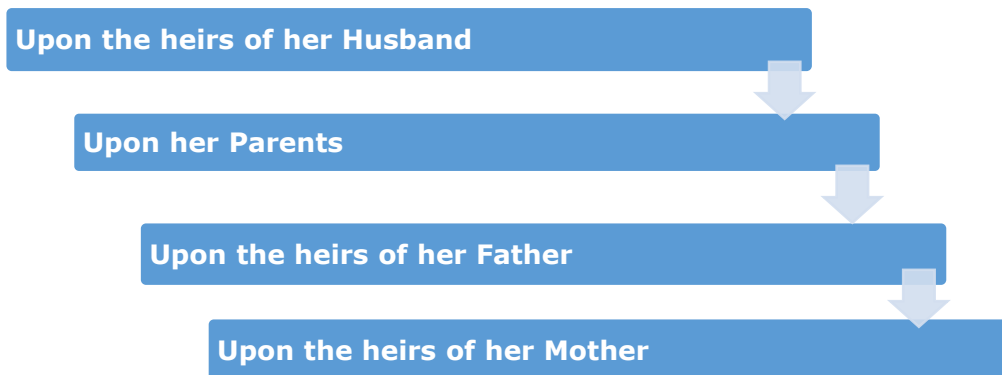
If there are no heirs in Class II, the property will be distributed to the deceased's agnates (a male or female descendant by male links from a common male ancestor) or relatives through male lineage (for example first cousin and their children).

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).

2. If the Deceased is female:



In absence of above, the following heirs shall take the property simultaneously i.e. equally and in priority succession to all the other heirs:



Note: In case female dies intestate, then properties inherited from her parents shall be taken by the father's heirs

Conclusion:

The above discussion is a simple commentary on the Hindu Succession Act. However, it is always advisable to write a will and keep it safe within the knowledge of the next kin alive to avoid any complication for the near and dear ones to whom one wants to pass on the estate.