

A on him benefits of
inheritance.”
according



**ASSIGN
BUSTER**

A child in mother’s womb is presumed to be born before the death of the intestate, although born subsequently. In the words D. R Mulla, “ It is by fiction or indulgence of the law that the rights of a child born in justo matrimonio are regarded by reference to the moment of conception and not by birth and the unborn child in the womb if born alive is treated as actually born for purpose of conferring on him benefits of inheritance.” According to the section, a child in womb will inherit only if— (i) The child was conceived at the time of death of the intestate and, (ii) The child is born alive subsequently.

If both the above conditions are fulfilled, the child will inherit in the same manner as if he were born before the death of the intestate. Any child, male or female who is in mother’s womb at the time of death of the intestate will be deemed to have come in existence in the eyes of law and after his birth will divest any person of the property which temporarily vested in such person during his absence.