

Obstructed family and the male descendants in whom



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Obstructed Heritage: As noted above, the property to which right accrues not by birth but on the death of last owner is called obstructed heritage. It is called obstructed because the accrual of right to it is obstructed by the existence of the last owner. Thus the property devolving on parents, brothers, nephews, uncles etc. upon the death of last owner, is obstructed heritage. These relatives do not have any vested interest by birth.

Their right to it arises only on the death of the last owner. In this way any property inherited by a male Hindu from relations other than father, father's father and father's father's father would be called obstructed heritage.

Illustration:

A inherited certain property from his brother who died issueless.

The inherited property in the hands of A will be an obstructed heritage for the sons of A. The sons of A will inherit the property from A only after his death. Unobstructed Heritage: The property in which a person acquires an interest by birth is called unobstructed heritage. It is called unobstructed because the accrual of the right to it is not obstructed by the existence of the owner. Thus property inherited by a Hindu from his father, father's father and father's father's father is unobstructed heritage as regards his own male issues, that is, his sons, son's sons and son's son's son.

This rights arises on account of their birth in the family and the male descendants in whom the property vests, are called coparceners. Thus the ancestral property in the hands of last male owner is unobstructed heritage.

Illustration:

A inherited certain property from his father. Two sons born to A, namely M and N are coparceners with A.

M and N will acquire an interest by birth in the ancestral property possessed by A. Thus the property in the hands of A is unobstructed heritage, as the existence of the father is no obstruction or impediment to his sons acquiring an interest by birth in the property.