

In acquire the  
property for her life



**ASSIGN  
BUSTER**

In fact this chapter has lost its significance now, yet a brief study of the chapter is still required.

Under the old Hindu law woman's estates were of two types— 1. Stridhan, of which she was the absolute owner; 2. And women's estate over which she had limited ownership.

#### **Sources of Property:**

There were two sources of acquisition of property— 1. Properties inherited from males. 2. Property inherited by female from females.

Properties thus inherited, according to Bengal, Benaras, Mithila and Madras schools gave the woman limited rights and after her death, it did not go to her own heirs but to the heirs of absolute owner. The chief exponents of woman's estate were Katyayana and Brihaspati. According to Brihaspati, "after husband's death the widow who looked after the family was to get his share, but she did not have the right to mortgage, or sell the property.

Katyayana was of the view that issueless widows should use the property of her husband after his death along with other elders living together with them throughout her life and after her death, husband's heirs should inherit the property".

#### **Meaning of Woman's Estate and its Nature:**

Widow who is a limited heir, does not acquire the property for her life time but she is the owner of the property thus inherited. But her right of alienation are limited and after her death the property does not pass to her heirs rather to heirs of the last owner thereof. The Privy Council has held that "her right

to property is like that of a limited owner. Although her status is like that of a owner, yet the rights are limited but no other person possesses any vested interest in it during her lifetime”.

### **Incidents of Women's Estate:**

Some of the incidents of women's estate are as under- 1.

She was owner of the properties inherited by her from her husband, but except under the following conditions, she could neither sell the property nor could she mortgage it nor could she alienate it— (a) For legal necessity; (b) For benefit to the estate; (c) With the consent of the next reversioners; (d) For religious and charitable purposes. 2. She absolutely represented the estate; she could institute a suit herself relating to the estate and could defend it. Decrees passed against the estate were not only binding upon her but also against the reversioners.

3. She could also institute a suit against third persons for possession of the estate, but if she had allowed the adverse possession of third persons, then the reversioners were not bound by such adverse possessions. 4. She had the rights over the estate as a prudent owner; being the owners of the properties acquired as limited owner, she was entitled to administer the property as a reasonable person and she had the power to exercise her rights over the property liberally as that of the karta of the joint Hindu family. 5. The restrictions upon the right of disposition of the estate were neither qualified nor dependant upon the existence or non-existence of the reversioners. 6. She could alienate her life interest in the estate through mortgage, sale or gift.

7. She could spend the whole income; she was not bound to share the income. 8. She could claim partition from the collaterals.

9. She was not under the control of her relatives. 10. Her right over the estate came to an end upon remarriage or on adoption a child.

11. She could not transform the woman's estate into some other form so as to change its nature either by some declaration or by some act.