(112)

100. Distribution of property amongst preferential heirs in class I.—(1) The property of an intestate shall be divided among the preferential heirs in class I of the Eighth schedule so that the share of the widow shall be equal to that of each son, including a predeceased son leaving a son or a son's son living at the intestate's death, and the share of each unmarried daughter shall be half that of each son and the share of each married daughter shall be one-quarter of that of each son:

Provided that where a predeceased son leaves no son or son's son but leaves his widow or his son's widow living at the intestate's death, then the share of such predeceased son shall be half that of a son of the intestate.

(2) The share given to a predeceased son of the intestate under sub-section (1) shall be divided as follows:—

(a) If such predeceased son has left a son or a son's son living at the intestate's death then his share shall be divided so that the share of the widow of such predeceased son shall be equal to that of a son of such predeceased son including any son who may have died before the intestate leaving a son living at the intestate's death :

Provided that if any son of such predeceased son dies before the intestate leaving a widow but no son living at the intestate's death then the share of such son of the predeceased son shall be half that of any other son of such predeceased son.

(b) The share of any son of the predeceased son who may have died before the intestate shall be divided between his widow and his sons in equal shares.

(c) If such predeceased son has left a widow or a son's widow or widows of two or more sons but has not left a son or a son's son living at the intestate's death then the share of such predeceased son shall be divided between his widow and his son's widows so that the share of the predeceased son's widow shall be double the share of the widow of each son of such predeceased son.

(3) For the purposes of this section where a person has left more than one widow all the widows shall take between them equally the share which a single widow would have taken.

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100. Distribution of property amongst preferential heirs in class I.—(1) The property of an intestate shall be divided among the preferential heirs in class I so that the share of the widow shall be equal to that of eaeh son, including a predeceased son leaving a son or a son's son living at the intestate's death and the share of each daughter shall be equal to that of each son :

Part IV, sec. 7, page 6.

Provided that where a predeceased son leaves no son or son's son but leaves his widow or his son's widow living at the intestate's death, then the share of such predeceased son shall be half that of a son of the intestate.

(2) The share given to a predeceased son of the intestate under sub-section (1) shall be divided as follows:—

(a) If such predeceased son has left a son or a son's son living at the intestate's death then his share shall be divided so that the share of the widow of such predeceased son shall be equal to that of a son of such predeceased son including any son who may have died before the intestate leaving a son living at the intestine's death :

Provided that if any son of such predeceased son dies before the intestate leaving a widow but no son living at the intestate's death then the share of such son of the predeceased son shall be half that of any other son of such predeceased son.

(b) The share of any son of the predeceased son who may have died before the intestate shall be divided between his widow and his sons in equal shares.

(c) If such predeceased son has left a widow or a son's widow or widows of two or more sons but has not left a son or a son's son living at the intestate's death then the share of such predeceased son shall be divided between his widow and his son's widows so that the share of the predeceased son's widow shall be double the share of the widow of each son of such predeceased son.

(3) For the purposes of this section where a person has left more than one widow all the widows shall take between them equally the share which a single widow would have taken.

Illustrations

(i) The surviving heirs of an intestate are three sons, A, B and C, five grandsons by a predeceased son D, and two great grandsons by a predeceased son of another predeceased son E, A, B and C take one share each, and the branches of D and E get one share each. The grandson in D's branch and the great grandson in E's branch divide the stare allotted to their respective branches equally. Each son of the intestate, therefore, takes one fifth of the heritable property, each grandson one-twenty-fifth, and each great-grandson one-tenth.

(ii) Only a widow or daughter survives an intestate. She takes the whole of the heritable property.

(114)

101. Mode of distribution amongst preferential heirs in class II.—The property of an intestate shall be divided between the preferential heirs in any one entry in class II of the Eighth Schedule so that they share equally.

(115)

102. Agnates who are heirs.—In the absence of any preferential heirs specified in class I or classs II of the Eighth Schedule, agnates of the deceased, related to the intestate within five degrees, shall be entitled to succeed in accordance with the rules set out in this Part.

(iii) The surviving heirs are a widow and two grandsons by a predeceased son. The widow takes one share and the grandsons together take one share. The widow therefore, takes one half of the heritable property and each grandson one fourth.

(iv) The surviving heirs are a daughter and the widow of a predeceased son. The daughter takes one share, and the widow gets half a share.

(v) The surviving heirs are a son, a daughter, and the widow of a predeceased son. The son gets one share, the daughter gets one share, and the widow of the predeceased son gets half a share.

(vi) The surviving heirs are a son, a daughter, and the widow and the son of a predeceased son. The son gets one share, the daughter gets one share and the widow and the son of the predeceased son get between them one share, which has then to the distributed equally between them.

(vii) The surviving heirs are—

(a) a widow,

(b) a son.

(c) a daughter,

(d) the widow of a predeceased son,

(e) the widow and two sons of another predeceased son.

The widow gets one share; the son gets one share; the daughter gets one share; the widow of the first mentioned predeceased son—(d) above—gets half a share; and the heirs mentioned in (a) above between them get one share, which has then to be distributed equally among them.

(viii) The surviving heirs are—

(a) a son,

(b) the widow and three sons of a predeceased son,

(c) the widow of a predeceased son of the predeceased son referred to in (b), The son gets one share and the heirs in entries (b) and (c) together, get one share.

The latter share should be distributed so that the widow and each of the sons in entry (b) get portion each and the widow in entry (c) gets one-half of such a portion. In the result, the intestate's son gets one-half of the heritable property, the widow of his predeceased son gets one-ninth, each of the three sons of such predeceased son also gets one-ninth, and the widow of the intestate's grandson gets one-eighteenth

(113)

101. Mode of distribution amongst preferential heirs in class II.—The property of an intestate shall be divided between the preferential heirs in any one entry in class II of Schedule VII, so that they share equally.

(114)

102. Agnates who are heirs.—In the absence of any preferential heirs specified in class I or classs II of Schedule VII, agnates of the deceased, related to the intestate within five degrees, shall be entitled to succeed in accordance with the rules set out in this Part.

Part I, sec. 8, page 7.

(115)

(116)

103. Cognates who are heirs.—In the absence of any preferential heir and agnates, cognates of the deceased related to the deceased within five degrees, shall be entitled to succeed in accordance with the rules set out in this Part.

(117)

104. Order of succession amongst agnates and cognates.—The order of succession among agnates or cognates, as the case may be, shall be determined in accordance with the rules of preference laid down hereunder:—

Rule 1.—Of two heirs, the one who has fewer or no degrees of ascent is preferred.

Rule 2.—Where the number of degrees of ascent is the same or none, that heir is preferred who has fewer or no degrees of ascent.

Rule 3.—Where the number of degrees of descent is also the same or none, the heir who is in the male line is preferred to the heir who is in the female line at the first point (counting from the intestate to the heir) where the lines of the two heirs can be so distinguished.

Rule 4.—Where the two lines cannot be so distinguished, the heir who is a male is preferred in the heir who is a female.

Rule 5.—Where neither heir is entitled to be preferred to the other under the foregoing rules, they take together.

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103. Cognates who are heirs.—In the absence of any preferential heir and agnates, cognates of the deceased related to the deceased within five degrees, shall be entitled to succeed in accordance with the rules set out in this Part. **Part I, sec. 8, page 7.**

(116)

104. Order of succession amongst agnates and cognates.—The order of succession among agnates or cognates, as the case may be, shall be determined in accordance with the rules of preference laid down hereunder:— **Part II, sec. 9, pages 7 & 8.**

Rule 1.—Of two heirs, the one who has fewer or no degrees of ascent is preferred.

Rule 2.—Where the number of degrees of ascent is the same or none, that heir is preferred who has fewer or no degrees of ascent.

Rule 3.—Where the number of degrees of descent is also the same or none, the heir who is in the male line is preferred to the heir who is in the female line at the first point (counting from the intestate to the heir) where the lines of the two heirs can be so distinguished.

Rule 4.—Where the two lines cannot be so distinguished, the heir who is a male is preferred to the heir who is a female.

Rule 5.—Where neither heir is entitled to be preferred to the other under the foregoing rules, they take together.

Illustrations

In the following illustrations, the letters F and M stand for the father and mother respectively in that portion of the line which ascends from the intestate to the common ancestor, and the letters S and D for the son and daughter respectively in that portion of the line which descend from the common ancestor to the heir. Thus MFSS stands for the intestate's mother's father's son's son (mother's brother's son) and FDS stands for the intestate's father's daughter's son (sister's son).

(i) The competing heirs are (1) SDSS (son's daughter's son's son and (2) FDDS (sister's daughter's son). No. (1) who has no degree of ascent is preferred to No. (2) who has one degree of ascent.

(ii) The competing heirs are (1) FDDD (sister's daughter's daughter) and (2) MFSSD (maternal uncle's son's daughter). The former who has only one degree of ascent is preferred to the latter who has two such degrees.

(iii) The competing heirs are (1) FDSS (sister's son's son) and MFSSD (material uncle's son's daughter). The former who has only one degree of ascent is preferred to the latter who has two such degrees.

(iv) The competing heirs are (1) MFDSS (mother's sister's son's son) and (2) MFFDS (mother's father's sister's son). The former who has two degrees of ascent is preferred to the latter who has three such degrees.

(v) The competing heirs are (I) MFM (mother's father's mother) and (2) FFFDSS father's father's sister's son's son). The number of degrees of ascent in both cases is the same, viz., three, but the former has no degree of descent while the latter has three such degrees. The former (1) is therefore preferred.

(117A)

105. Computation of degrees.—(1) For the purposes of determining the order of succession amongst agnates or cognates, relationship shall be reckoned from the intestate to the heir in terms of degrees of ascent, or degrees of descent, or both, as the case may be.

(2) Degrees of ascent and degrees of descent shall be computed exclusive of the intestate.

(3) Every generation constitutes a degree either ascending or descending.

* * * * * *

(vi) The competing heirs are (1) FMF (father's mother's father) and (2) MFFF (mother's father's father). The number of degrees of ascent in both the cases is the same, and there are no degrees of descent. The lines of the two heirs diverge at the very first point. No. (1) being in the male line and No. (2) in the female line. No. (1) is preferred to No. (2).

(vii) The competing heirs are (1) FDSS (sister's son's son) and (2) FDDS (sister's daughter's son). The heirs are equally near both in ascent and descent. The dissimilarity in the lines occurs at the third point. At this point. No. (1) is in the male line and No. (2) father's mother's sister's son). The former is preferred.

(viii) The competing heirs are (1) FMFSS (father's mother's brother's son) and (2) FMFDS father's mother's sister's son). The former's preferred.

(ix) The competing heirs are (1) FDDS (sister's daughter's son) and (2) FDDD (sister's daughter's daughter). The former is preferred.

(117)

105. Computation of degrees.—(1) For the purposes of determining the order of succession amongst agnates or cognates, relationship shall be reckoned from the intestate to the heir in terms of degrees of ascent, or degrees of descent, or both, as the case may be. **Part II, sec. 8, page 7.**

(2) Degrees of ascent and degrees of descent shall be computed exclusive of the intestate.

(3) Every generation constitutes a degree either ascending or descending.

Illustrations

(i) The heir to be considered is the father's mother's father of the intestate. He has no degrees of descent, but has three degrees of ascent represented in order by (1) the intestate's father, (2) that father's mother, and (3) her father (the heir).

(ii) The heir to be considered is the father's mother's father's mother of the intestate. She has no degrees of descent, but has four degrees of ascent represented in order by (1) the intestate's father, (2) that father's mother, (3) her father, and (4) his mother (the heir).

(iii) The heir to be considered is the son's daughter's son's daughters of the intestate. She has no degrees of ascent, but has four degrees of descent represented in order by (1) the intestate's son, (2) that son's daughter, (3) her son, and (4) his daughter (the heir).

(iv) The heir to be considered is the mother's father's father's daughter's son of the intestate. the has three degrees of ascent represented in order by (1) the intestate's mother, (2) her father and (3) the father's father, and two degrees of descent represented in order by (1) the daughter of the common ancestor, viz., the mother's father's father and (2) her son (the heir).

(117A)

(118)

Succession to the property of male Marumakkattayis, etc.

105 A. Rules of succession to male Marumakkattayis, etc. dying intestate.—Notwithstanding anything contained in this Chapter the separate or self-acquired property of a male Hindu who dies intestate in respect thereof, shall—

(a) in the case of a person to whom the Marumakkattayam or Aliyasantana law would have applied if this Code had not been passed, devolve in the order and according to the rules contained in sections 105-C to 105-1 inclusive; and

(b) in the case of a person to whom the Nambudri law would have applied if this Code had not been passed, devolve in the order and according to the rules set out in section 105-J.

(119)

105 B. Lineal descendant defined.—In sections 105C to 105J inclusive and in section 109A and 109B, the expression "lineal descendant", used with reference to any person, means any descendant of that person, whether in the male or female line or partly in the male and partly in the female line, and includes any child of that person.

(120)

105 C. Devolution of property, where there is a lineal descendant.—(1) Where the intestate has left him surviving a lineal descendant or descendants and his mother or a widow or widows or both his mother and a widow or widows, the whole of the intestate's property shall devolve on them.

(2) In the absence of the mother and widow, the whole of the property shall devolve on the lineal descendant or descendants.

(121)

105 D. Rules of distribution.—Where there is a lineal descendant, the distribution of the property among the heirs referred to in section 105C shall be made in accordances with the following rules, namely:—

(a) each child (son or daughter) shall be entitled to an equal share;

(b) where a child has predeceased the intestate, the lineal descendants of such child shall, subject to the provisions of clause (e), be entitled to the share which the child would have taken had he or she survived the intestate;

(c) grand-children of the intestate by a deceased child shall be entitled in equal shares to what such child would have taken had he or she survived the intestate;

Provided that where any such grand-child has also predeceased the intestate, the lineal descendants of such grand-child shall, subject to the provisions of clause (e), be entitled to the share which the grand-child would have taken had he or she survived the intestate;

(d) the property shall devolve in the like manner on the remoter surviving lineal descendants of the intestate;

(e) the descendants of a child, grand-child or other lineal descendant of the intestate shall not be entitled to any share in his property, if such child, grand-child or other descendant is living at the time of the death of the intestate;

(f) the widow, or, where there is more than one widow, all the widows together, shall be entitled to a share equal to that of a child, such share being taken equally by the widows where there is more than one;

(g) the mother shall be entitled to a share equal to that of a child.

(122)

105 E. Devolution of property, where there is no lineal descendant but there is a widow or mother.—(1) Where the intestate has not left him surviving any lineal descendant but has left his mother and a widow or widows, one-half of the property shall devolve on his mother and the other half on his widow or widows in equal shares.

(2) In the absence of a widow, the whole of the property shall devolve on the mother.

(123)

105 F. Devolution of property where there is no mother but there is a widow or lineal descendant of mother.—(1) Where the intestate has not left him surviving any lineal descendant or his mother but has left a widow or widows and also a lineal descendant or descendants of his mother, one-half of the property shall devolve on the widow or widows in equal shares and the other half on such lineal descendant or descendants.

(2) In the absence of any lineal descendant of the intestate's mother, the whole of the property shall devolve on the widow or widows in equal shares and, in the absence of the widow, the whole of the property shall devolve on the mother's lineal descendants.

(124)

105 G. Devolution where there is maternal grand-mother or her descendant or the father.—(1) Where the intestate has not left him surviving any of the heirs mentioned in sections 105C, 105E and 105F but has left his father and his maternal grand-mother or lineal descendant or descendants, one-half of the property shall devolve on his father and the other half on her maternal grand-mother or, in her absence, on her lineal descendant or descendants.

(2) In the absence of any lineal descendant of the maternal grand-mother the whole of the property shall devolve on the father, and, in the absence of the father, the whole of the property shall devolve on the maternal grandmother or her lineal descendant or descendants, as the case may be.

(125)

105 H. Devolution in other cases.—(1) Where the intestate has not left him surviving any of the heirs mentioned in sections 105C, 105E, 105F and 105G, the whole of the property shall devolve on his mother's maternal grand mother, or, in her absence, on her lineal descendant or descendants.

(2) In the absence of any such descendant, the whole of the property shall devolve on a remoter female ascendant of the intestate in the female line or, in her absence, on her lineal descendant or descendants, me nearer ascendant and her descendants, excluding the more remote ascendant and her descendants.

(126)

105 I. Rules for distribution among lineal descendants of mother or other ascendant.—The distribution of the intestate's property or any share thereof to which two or more lineal descendants of his mother or other ascendant are entitled under the forgoing sections shall be made in accordance with the rules specified in clauses (a) to (e) of section 105C, as if the mother or other ascendant had died intestate in respect of such property or share leaving her surviving the descendants aforesaid.

(127)

105 J. Special rules of succession to Nambudri males.—Notwithstanding anything contained in this Chapter, the separate or self-acquired property of a male Hindu who, if this Code had not been passed, would have been governed by the Nambudri law, shall, if he dies intestate in respect thereof, devolve in the order, and in accordance with the rules, specified below, namely:—

(a) where the intestate has left him surviving any lineal descendant or descendants or a widow or widows or both such descendant or descendants and a widow or widows, the whole of the property shall devolve on them in accordance with the rules specified in clauses (a) to (f) of section.

(b) where me intestate has not left him surviving any of me relatives referred to in clause (a) the property shall devolve in the order, and in accordance with the rules, specified in sections 97 to 108.

(128)

Intestate Succession to the property of female

General Provision

106. Heirs of a Hindu woman.—Except as otherwise expressly provided in sections 109A and 109B, the properly of a female Hindu dying intestate shall devolve, according to the rules set out in this Part,—

(a) firstly, upon the husband and children, including the children of any predeceased child, and

(b) secondly, if there is no heir specified in clause (a), then, upon the heirs specified in section 109 in the order named therein.

(129)

107. Division of shares among heirs.—(1) Where a Hindu woman dies-intestate leaving husband and children, the property of which she dies intestate shall be divided among her husband and children so that they share equally.

(2) Where a Hindu woman dies intestate leaving children but no husband, the property of which she dies intestate shall be divided among the children, so that they share equally.

(3) If any child of a Hindu woman dying intestate has died in her life time, leaving children alive at the time of her death, the children of such child shall take the share which such child would have taken if living at the intestate's death.

(130)

108. Husband succeeds where no children.—Where a Hindu woman dies Intestate leaving husband but no children, including children of any predeceased child entitled to succeed under section 107, the property of which she dies intestine shall devolve upon the husband.

Succession to the property of a Hindu woman

106. Heirs of a Hindu woman.—Subject to the provisions of this Chapter, the property of a Hindu woman dying intestate shall devolve— **Part II, sec. 14, page 9.**

(a) firstly, upon the husband and children, including the children of any predeceased child, and

(b) secondly, if there is no heir specified in clause (a), then, upon the heirs specified in section 109 in the order named therein.

(128)

107. Division of shares among heirs.—(1) Where a Hindu woman diesintestate leaving husband and children, the property of which she dies intestate shall be divided among her husband and children so that they share equally. **Part II, sec. 14, page 9.**

(2) Where a Hindu woman dies intestate leaving children but no husband, the property of which she dies intestate shall be divided among the children, so that they share equally. **Part II, sec. 14, page 9.**

(3) If any child of a Hindu woman dying intestate has died in her life time, leaving children alive at the time of her death, the children of such child shall take the share which such child would have taken if living at the intestate's death.

(129)

108. Husband succeeds where no children.—Where a Hindu woman dies Intestate leaving husband but no children, including children of any predeceased child entitled to succeed under section 107, the property of which she dies intestate shall devolve upon the husband.

(130)

(131)

109. Other heirs of the woman's property.—Where a Hindu woman dies leaving no heirs specified in section 107 or 108, then the property of which she dies intestate shall devolve upon the following heir in the order named hereunder, namely,—

(1) mother, father;

(2) husband's heirs, in the same order and according to the same rules as would have applied, if the property had been his and he had died intestate in respect thereof immediately after his wife;

(3) mother's heirs, in the same order and according to the same rules as would have applied, if the property had been hers and she had died intestate in respect thereof immediately after her daughter;

(4) father's heirs, in the same order and according to the same rules as would have applied, if the property had been his and he had died intestate in respect thereof immediately after his daughter.

Part II, sec. 14, page 2.

109. Other heirs of the woman's property.—Where a Hindu woman dies leaving no heirs specified in sections 107 or 108, then the property of which she dies intestate shall devolve upon the following heir in the order named hereunder, namely,—

(1) mother, father;

(2) husband's heirs, in the same order and according to the same rules as would have applied, if the property had been his and he had died intestate in respect thereof immediately after his wife;

(3) mother's heirs, in the same order and according to the same rules as would have applied, if the property had been hers and she had died intestate in respect thereof immediately after her daughter;

(4) father's heirs, in the same order and according to the same rules as would have applied, if the property had been his and he had died intestate in respect thereof immediately after his daughter.

(132)

Succession to the property of female Marumakkattayis, etc.

109A. Rules of succession to Marumakkattayam or Aliyasantana female dying intestate.—Notwithstanding anything contained in this Part, the separate or self-acquired property of a female Hindu, who if this Code had not been passed would have been governed by the Marumakkattayam or Aliyasantana law shall, if she dies intestate in respect thereof, devolve in the order and according to the rules specified below, namely:—

(a) where the intestate has left her surviving a lineal descendant or descendants, the whole of such property shall devolve on such descendant or descendants in accordance with the provisions contained in clauses (a) to (c) of section 105D;

(b) in the absence of any lineal descendants of the intestate, the whole of the property shall devolve on the intestate's mother or, in her absence, on her lineal descendant or descendants;

(c) where the intestate has not left her surviving any lineal descendant of herself or of her mother but has left her husband and her maternal grand-mother or her lineal descendant or descendants, one-half of the property shall devolve on her grand-mother or, in her absence, on her lineal descendant or descendants;

(d) in the absence of the intestate's maternal grand-mother and her lineal descendants, the whole of the property shall devolve on the intestate's husband, and in the absence of the husband, the whole of the property shall devolve on her maternal grand-mother or her lineal descendant or descendants, as the case may be;

(e) where the intestate has not left her surviving any of the heirs mentioned in the forgoing clauses, the whole of the property shall devolve on her mother's maternal grand-mother or in her absence on her lineal descendant or descendants and, in the absence of any one descendant, on a remoter female ascendant in the female line or, in her absence, on her lineal descendant or descendants, the nearer ascendant and her descendants excluding the more remote ascendants and her descendants ;

(f) the distribution of the intestate's property or any share thereof to which two or more lineal descendants of her mother or other ascendant are entitled under the foregoing clauses shall be made in accordance will the rules specified in clauses (a) to (e) of section 105D, as if the mother or other ascendant had died intestate in respect of such property or shall leaving her surviving the descendants aforesaid.

(133)

109B. Rules of succession to Nambudri female dying intestate.—Notwithstanding anything contained in this Chapter, the separate or self-acquired property of a female Hindu who, if this Code had not been passed, would have been governed by the Nambudri law, shall, if she dies intestate in respect thereof, devolve in the order, and in accordance with the rules, specified below, namely :—

(a) where the intestate has left her surviving any lineal descendant or descendants, the whole of the property shall devolve on such descendant or descendants in accordance with the rules specified in clause (a) to (e) of section 105D.

(b) in the absence of any lineal descendant, the property shall devolve on her husband;

(c) in the absence of the husband, the property shall devolve upon the heirs in the order, and in accordance with the rules, specified in section 109.

(134)

Succession to the property of a hermit

110. Rules for hermits, etc.—(1) Where a person completely and finally renounces the world by becoming a hermit or an ascetic or a perpetual religious student his property shall devolve upon his heirs, in the same order and according to the same rules as would have applied if he had died intestate in respect thereof at the time of such renunciation.

(2) Any property acquired by such a person after his renunciation shall devolve on his death, not upon his relatives, but as follows:

(a) In the case of a hermit upon a spiritual brother belonging to the same hermitage;

(b) In the case of an ascetic subject to any custom or usage governing the case, upon his virtuous disciple; and

(c) In the case of a perpetual religious student, upon his preceptor.

Succession to the property of a hermit

110. Rules for hermits, etc.—(1) Where a person completely and finally renounces the world by becoming a hermit or an ascetic or a perpetual religious student his property shall devolve upon his heirs, in the same order and according to the same rules as would have applied if he had died intestate in respect thereof at the time of such renunciation.

Part I, sec. 11, page 9.

(2) Any property acquired by such a person after his renunciation shall devolve on his death, not upon his relatives, but as follows:—

(a) In the case of a hermit upon a spiritual brother belonging to the same hermitage,

(b) In the case of an ascetic subject to any custom or usage governing the case, upon his virtuous disciple; and

(c) In the case of a perpetual religious student, upon his preceptor.

(135)

General provisions relating to succession

111. Full blood preferred to half blood.—Heirs related to an intestate by full blood shall be preferred to heirs related by half blood, if the nature of the relationship is the same in every other respect.

* * * * * *

(136)

112. Mode of succession of two or more heirs.—If two or more heirs succeed together to the property of an intestate, they shall take the property—

(a) save as otherwise expressly provided in this Part, *per capita* and not *per stirpes ;* and

(b) as tenants-in-common and not as joint tenants.

(137)

113. Right of child in womb.—A person who was in the womb at the time of the death of an intestate and who is subsequently born alive shall have the same right to inherit to the intestate as if he or she had been born before the death of the intestate. The inheritance shall be deemed to vest in such a case with effect from the date of the death of the intestate.

(138)

114. Presumption of survivorship.—Where two persons have died in circumstances rendering it uncertain whether either of them, and if so which, survived the other then, for all purposes affecting succession to property, it shall be presumed, until the contrary is proved, that the younger survived the elder.