

STATUS OF POSTHUMOUS CHILD IN SUCCESSION



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Posthumous means 'occurring or appearing after the death'

For Example,

He was awarded a posthumous military award.

Here we are talking about the status of posthumous child in succession.

WHAT SUCCESSION ACTUALLY IS?

The succession can be either **Testamentary** or **Intestate**.

Testamentary means 'relating to or bequeathed or appointed through a will.'

Intestate means 'not having made a will before one dies.'

The testamentary succession is concerned with the person who made the will. This is mentioned under Section 30 of **Succession Act**.

The law of intestate succession is more properly the law of inheritance which determines the mode of devolution of property of the deceased on heirs solely on the basis of their relationship with the deceased and is governed under **Hindu Succession Act, 1956**.

Section 20 of Hindu Succession Act recognizes posthumous child as an heir in intestate succession.

It means the child who was in the womb at the time of death of intestate who is subsequently born alive shall have the same right to inherit to intestate as if he or she had been born before the death of intestate and the inheritance shall be deemed to vest in such a case from the date of death of intestate.

So in simple words, under this section two conditions must be satisfied-

1. The child must be in the womb at the time of the death of intestate.
2. The child must be born alive.

Note: In case the child dies subsequently, the property that he inherited will vest to its own heirs.

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