



Marriage and Adoption Laws in India and their effect on Succession

MARRIAGE LAWS IN INDIA

- **Definition of Marriage** : Chief Justice Roberts US SC in Obergefell vs. Hodges (2015) – “Union of a man and a woman”
- **Significance of the institution “Marriage”**:
 1. From the perspective of ‘Spouses’: relationship between the two
 2. From the perspective of ‘Offsprings’: legitimacy and nurturing of children
 3. From the perspective of ‘Society’ or ‘Relatives’: Inheritance of the property

MARRIAGE LAWS IN INDIA

The Hindu Marriage Act, 1955

**Parsi Marriage and Divorce
Act, 1936**

**The Foreign
Marriage Act, 1969**

**The Indian
Christian
Marriage Act,
1872**

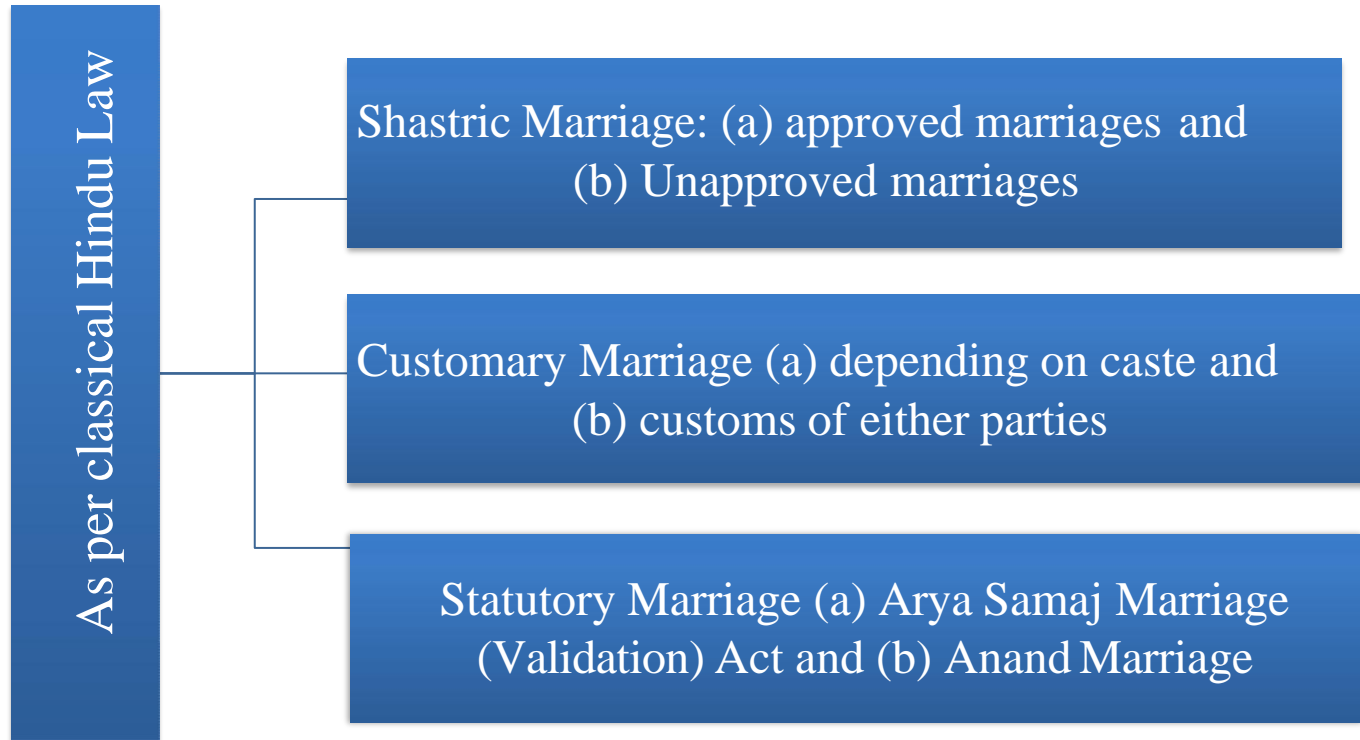
**The Special
Marriage Act,
1954**

**Muslim Personal
Law**

THE HINDU MARRIAGE ACT, 1955 (HMA)

- Under the Hindu Marriage Act, there are certain conditions that have to be complied with before a marriage is valid in India (Section 5 of HMA):
- The persons getting married must be unmarried and must not have a living spouse from their previous marriage.
- The legal age for a woman is 18 years and for a man is 21 years.
- Sanity of mind is necessary for both the parties and they must be capable to give their consent to the marriage freely.
- The persons getting married must be mentally fit for the marriage i.e. they must not be suffering from any mental illness.
- Both the bride and groom should not be 'sapindas' of each other except if it is allowed under their respective religious laws.
- ❖ This Act applies to any person who is a Hindu by religion in any of its forms or developments and any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;

TYPES OF HINDU MARRIAGES



ARYA SAMAJ WEDDING

- The ceremony of Arya Samaj marriage is conducted as per the Vedic ritual, and its validity is derived from Arya Samaj Marriage Validation Act, 1937 with provisions of Hindu Marriage Act, 1955.
- Based on Vedic principles, all the hymns spelled during marriages are explained to the bride and groom.

Who are eligible for an Arya Samaj marriage

- Age of the groom must be 21 and bride 18.
- Any person who is Hindu, Buddhist, Jain or Sikh can perform Arya Samaj Marriage.
- Inter-Caste Marriages can also be performed in an Arya Samaj Marriage provided none of the marrying persons are Muslims, Christians, Parsis or Jews.
- If a non-Hindu couple would like to perform the marriage, the Samaj allows them to get converted through a process called Shuddhi.

CASE LAWS

- **Sarla Mudgal Vs. UOI (1995 SCC 2 635)** – It was held that the conversion does not automatically dissolve the first marriage and so the prosecution under Section 494 of IPC stays.
- **Megh Prasad Vs. Bhagwantin Bai (AIR 2000 CHH 255)** – It was held that second marriage with consent shall be bigamous and void thereby illegal.
- **Bhaurao Lokhande Vs. State of Maharashtra (AIR 1965 SC 1564)** – It was held that “Solemnized” means to celebrate marriage with proper ceremonies and in due form with intention that parties should be considered to be married.
- **Surjit Kaur Vs. Garja Singh (AIR 1994 SC 135)** – It was observed that mere fact of joint living for a long time without any ceremonies would not constitute a marriage.
- **Ashok Kumar Vs. Usha Kumari (AIR 1984 Del 347)** – When two persons are socially recognized as a married couple, a strong presumption is raised in favour of their lawful marriage duly solemnized with the help of customary rites and ceremonies.

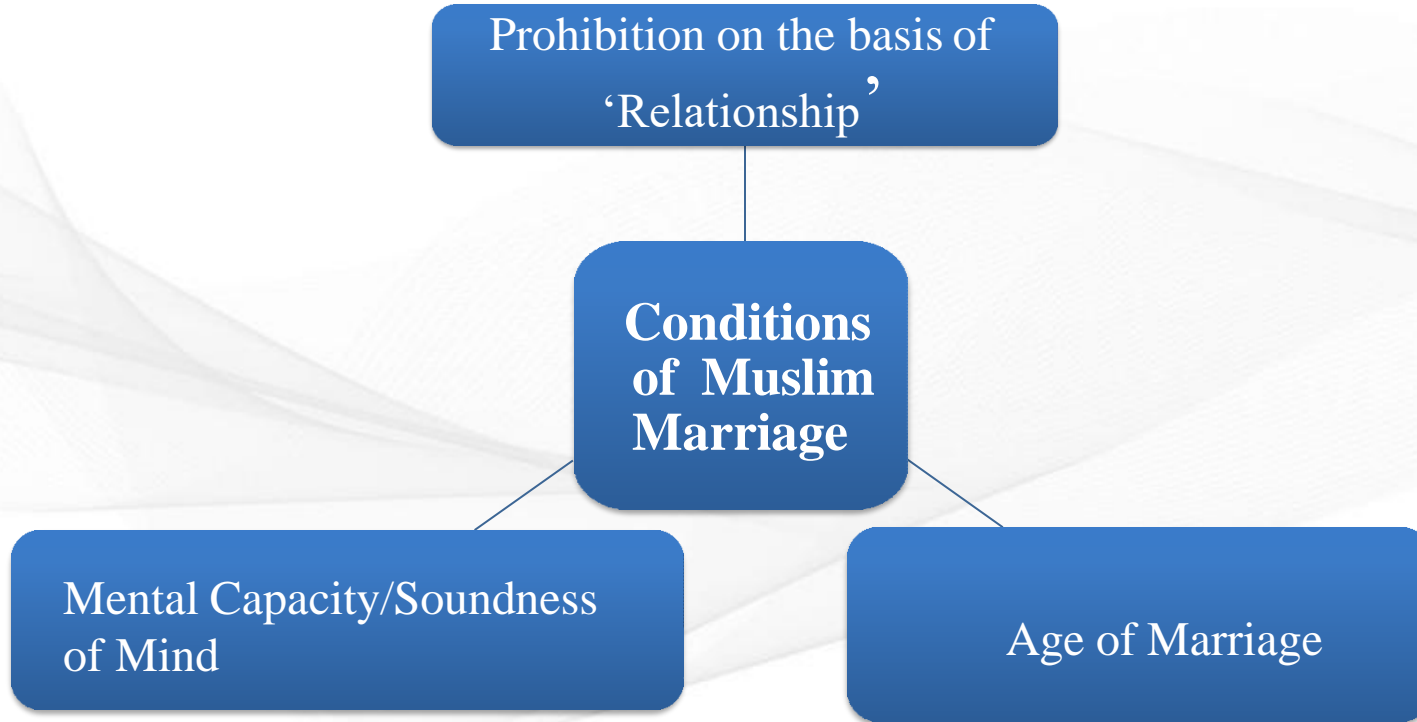
MUSLIM PERSONAL LAW

Nature of Muslim Marriage:

Mahmood J. in **AbdulRahim vs. Salima (ILR 1886 8 All 149)** defines Muslim marriage as: “ a civil contract upon the completion of which by proposal & acceptance, all the rights & obligations, which it creates, arise immediately and simultaneously”.



MUSLIM PERSONAL LAW



MUSLIM PERSONAL LAW

Conditions of Muslim Marriage:

1) Prohibited Degree of Relationship (PDR): PDR is divided in to two categories for the purpose of prohibition:

- a) Absolute Impediments: i. Consanguinity ii. Affinity iii. Fosterage
- b) Relative Impediments: i. Unlawful conjugation ii. Marriage with a woman under Iddat and iii. Marriage with persons of unequal status.

2) Age of Marriage:

- a) Puberty: All the systems have accepted the criteria of the Age for the parties under the banner of “Competencies of the parties.
- b) Attainment of puberty generally considered to be the age.

2) Soundness of Mind:

- a) Insanity or Unsound mind or Idiot or Lunatic or mental disorder.
- b) Degree of soundness: high degree of intelligence to understand.
- c) Under Muslim Law, persons of Unsound mind is equated with Minor.
- d) Under Dissolution of Muslim Marriage Act, 1939 a wife can sue for Husband's Insanity.

CASE LAWS

- **Abdul Kadir Vs. Salima (1886 8 All 149)** – It was held that “Dower” under the Muslim law, is a sum of money or other property promised by the husband to be paid or delivered to the wife in consideration of the marriage and even when no dower is expressly fixed or mentioned at the time of marriage ceremony, the law confers the right of dower upon the wife.
- **Hamira Bibi Vs. Zubiad Bibi (AIR 1916 PC 46)** – Court analyzed this notion of dower as :
 - ✓ Essential incident of Muslim law
 - ✓ Must be specific
 - ✓ Payable before consumption
 - ✓ Lien over husband’s property
- **Maina Bibi Vs. Choudhary Vakil Ahmed (52 IA 145)** – Court discussed the ‘Right of retention’. Maina Bibi retained her deceased husband’s property. Court said that the retention was valid till the dower debt is paid.

THE SPECIAL MARRIAGE ACT, 1954

This Act is applicable to citizens of India irrespective of their religion, caste or culture and also Indian citizens living abroad. Conditions for marriage under this Act are:

- Neither party has a spouse living.
- Neither party is incapable of giving a valid consent in consequences of unsoundness of mind.
- Consent of both the parties.
- A notice by the parties in writing to Marriage officer of the district in which at least one of them has resided for at least 30 days preceding the date on which such notice is given.
- The age of both bride and groom must be 18 and 21 years respectively.
- Both bride and groom cannot share common ancestors or be blood relatives. In accordance to the Act, there are 37 relations forbidden, in which no wedding can be performed between them.

CASE LAW

- **Maneka Gandhi vs. Indira Gandhi AIR 1985 Del 114:** When marriage of two Hindus is solemnized under SMA, succession is governed by Hindu Succession Act and not Indian Succession Act.
- **Lorana Joanee Williams vs. Dy. Commissioner cum Marriage Officer, Hoshiarpur AIR 2007 (DMC) 62 (P&H):** The Court held that there is no provision under the Act for publication of the factum of marriage in a newspaper for the purpose of registration.
- **Nirmal Das Bose vs. Mamta Gulati AIR 1997 All 401:** The non-compliance contemplated under Sec 5 & 6 of the SMA is not by itself fatal but is only an irregularity and cannot be taken to nullify a marriage in fact evidenced by the certificate of marriage contemplated under the Act.

THE INDIAN CHRISTIAN MARRIAGE ACT, 1872

- As per the Act, the solemnization of wedding takes place in the presence of priests, clergymen or ministers in a church and as per the defined regulations of Indian Christians community.
- The conditions needed to be fulfilled for a valid marriage under Christian marriage laws are:
- The age of bridegroom and bride should be 21 years and 18 years respectively.
- Both bride and groom must give their consent voluntarily and under no compulsion from anyone.
- Both the parties to the marriage should not have an existing partner from any former marriage at the time of marriage.
- Both parties to the marriage must be sane.
- The marriage is required to be performed before the presence of at least 2 trusted witnesses and before a registrar of marriage, who has the license and authority to register a marriage and issue a marriage certificate in India.

CASE LAWS

- **Lily Thomas vs. UOI (SCC 200 2 224)** – It was held that the conversion does not automatically dissolve the first marriage and so the prosecution under Section 494 of IPC stays.
- In the case of **Kamawati vs. Digbijoy**, Privy Council it was held that converted Christians will not be governed by old law i.e. his previous religion and only by Indian Succession Act, 1925.
- In **Francis v. Tellis** (Madras HC), out of two brothers, one of them converted to Christianity. It was held that upon his death it would not be possible for the other brother to succeed to the entire estate by way of the doctrine of survivorship.
- Christian law does not recognize children born out of wedlock and deal only with legitimate marriages (**Raj Kumar Sharma vs. Rajinder Nath Diwan AIR 1987 Del 323**).

THE FOREIGN MARRIAGE ACT, 1969

A marriage between parties one of whom at least is a citizen of India may be solemnized under this Act by or before a marriage Officer in a foreign country, if, at the time of the marriage, the following conditions are to be fulfilled namely,

- (a) Neither party has a spouse living;
 - (b) Neither party is a lunatic or idiot ;
 - (c) The bridegroom has completed the age of twenty-one years and the bride is of eighteen years at the time of the marriage
 - (d) The parties are not within the degrees of prohibited relationship
-
- Such a marriage shall not be in contravention to the local Laws.
 - Subject to the other provisions contained in the Act, a marriage is solemnized in the manner provided in this Act shall be good and valid in law.
 - Certification of Documents of Marriages Solemnized in accordance with Local Law in a Foreign Country.

THE FOREIGN MARRIAGE ACT, 1969

Subject to the other provisions contained in this section the provisions of Chapters IV, V, VI and VII of the **Special Marriage Act, 1954**, shall apply in relation to marriages solemnized under this Act

And to any other marriage solemnized in a foreign country between parties of whom one at least is a citizen of India as they apply in relation to marriages solemnized under that Act.

CASE LAWS

- **Sheenam Raheja v Amit Wadhwa (2012) 131 DRJ 568-** The court declared that Indian court will not recognize the decree of the foreign court in matrimonial cases.
- **Satya v Teja Singh (1975) AIR 105 -** The Court upheld that due to lack of jurisdiction, the decree of the Nevada Courts cannot receive recognition in India courts
- **Veena Kalia v Jatinder Nath Kalia (1996) 54 AIR Delhi-** The Supreme Court declares that the judgment of the foreign court which are against the Indian law will not be binding and hence could not operate as res judicata.

PARSI MARRIAGE AND DIVORCE ACT, 1936

- The Parsi Marriage is also regarded as a contract though religious ceremony of Ashirvad is essential for its validity.
- 'Ashirvad' literally means blessing, a prayer or divine exhortation to the parties to observe their marital obligations with faith.
- Parsi law gives equal treatment to both the sexes. The rights as well as remedies prescribed under Parsi law are equally available to both husband and the wife.
- The valid conditions for marriage is under section 3 of Parsi Marriage and Divorce Act, 1936 as given below:
 - (1) **No marriage shall be valid if-**
 - the contracting parties are related to each other in any of the degrees of consanguinity or affinity set forth in Schedule I; or
 - such marriage is not solemnised according to the Parsi form of ceremony called "Ashirvad" by a priest in the presence of two Parsi witnesses other than such priest; or
 - in the case of any Parsi (whether such Parsi has changed his or her religion or domicile or not) who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age.
 - (2) Notwithstanding that a marriage is invalid under any of the provisions of sub-section (1), any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate.

CASE LAWS

- **Raj Kumar Sharma vs. Rajinder Nath Diwan (AIR 1987 Del 323)** - Parsi law does not recognise children born out of wedlock and deal only with legitimate marriages.
- **Dr. Hormusji M. Kalapesi v. Dinbai H. Kalapesi (AIR 1955 Bom 413 (DB))** – It was held that even an unchaste wife had an absolute right to a starving allowance for her maintenance and that this right would be enforceable even where the wife had been divorced on the ground of her adultery.
- **Pistonji Kekobund Bharucha vs. Aloo (AIR 1984 Bom 75)** - It was held that it was not necessary that seven delegates must be present at the time of verdict under Sections 44 and 20 of the Parsi Marriage and Divorce Act, 1936 and therefore there was no illegality where the decision on questions of facts by five delegates was made.

LIVE-IN RELATIONSHIP

- *Live-in relationship* in simple terms can be explained as a relationship in the nature of marriage where both partners enjoy individual freedom and live in a shared household without being married to each other.
- It involves continuous cohabitation between the parties without any responsibilities or obligations towards one another.
- There is no law tying them together and consequently either of the partners can walk out of the relationship, as and when, they will to do so.
- There is no legal definition of live in relationship and therefore the legal status of such type of relationships is also unsubstantiated.
- The Indian law does not provide any rights or obligations on the parties in live relationship.

CASE LAW ON LIVE IN RELATIONSHIP

- ***Badri Prasad vs. Dy. Director of Consolidation* (Air 1978 SC 1557) –**

This was the first case in which the SC recognized live in relationship and interpreted it as a valid marriage. In this case, the Court gave legal validity to a 50 year live in relationship of a couple. It was held by Justice Krishna Iyer that a strong presumption arises in favour of wedlock where the partners have lived together for a long term as husband and wife.

- ***Tulsa & Ors vs. Durghatiya & Ors* [(2008) 4 SCC 520] –**

The SC provided legal status to the children born from live in relationship. It was held that one of the crucial pre-conditions for a child born from live-in relationship to not be treated as illegitimate are that the parents must have lived under one roof and co-habited for a considerably long time for society to recognize them as husband and wife and it must not be a "walk in and walk out" relationship. Therefore, the court also granted the right to property to a child born out of a live in relationship.

CASE LAW ON LIVE IN RELATIONSHIP

D.Velusamy vs. D.Patchaiammal CRIMINAL APPEAL NOS. 2028-2029 OF 2010

- The judgment determined certain pre-requisites for a live in relationship to be considered valid. It provides that the couple must hold themselves out to society as being akin to spouses and must be of legal age to marry or qualified to enter into a legal marriage, including being unmarried.
- Here, the court relied on the concept of ‘palimony’ which was used in the USA for grant of maintenance in live in relationships. The concept of palimony was derived in the case of **Marvin vs. Marvin**, a landmark judgment of the California Superior Court.

S. Khushboo vs. Kanniammal & Anr (2010) 5 SCC 600

- The Supreme Court in this case dropped all the charges against the petitioner who was a south Indian actress. The petitioner was charged under Section 499 of the IPC and it was also claimed that the petitioner endorsed pre-marital sex and live in relationships. The court held that living together is not illegal in the eyes of law even if it is considered immoral in the eyes of the conservative Indian society. The court stated that living together is a right to life and therefore not ‘illegal’.

CASE LAW ON LIVE IN RELATIONSHIP

- **Indra Sarma vs. V.K.V.Sarma 2013 (14) SCALE 448** - SC has illustrated five categories where the concept of live in relationships can be considered and proved in the court of law.
- **Bharatha Matha v. R. Vijaya Renganathan (AIR 2010 SC 2685)**- The Supreme Court held that a child born out of a live-in relationship may be allowed to inherit the property of the parents (if any) and therefore be given legitimacy in the eyes of law.

ADOPTION LAW IN INDIA

Adoption is a legal process by which a child is placed with a married couple or a single female who agree to raise her as their own child and assume all responsibility for her.

Marriage

ADOPTION LAWS IN INDIA

Hindu Adoption and Maintenance Act, 1965 (referred as HAMA)

- Applicable to Hindus, Sikhs, Jains and Buddhists

The Guardians and Wards Act, 1890

- Applicable to Muslims, Christians, NRI and foreign nationals

The Juvenile Justice (Care and protection of Children) Act, 2015.

- A part of which deals with adoption of children by Non-Hindus

ADOPTIONS

- Under HAMA one can adopt a child of each sex but no two children of same sex which means if having a son, can adopt only a female child and vice –versa.
- Non-Hindu person such as Muslims, Christians and Parsis etc are governed by their own effected personal laws come under GAWA, 1890.
- Central Adoptions Resource Authority (CARA) also has provision regarding the adoption in the country. It facilitates the inter country and inter religion adoption as well.
- As per Supreme Court's direction, specific guidelines have been framed by CARA in matters relating to adoptions in India.

ADOPTIONS UNDER HAMA

- Section 7 of the HAMA states the capacity of a male Hindu to adopt.
- Section 8 deals with taking consent of the spouse while making an adoption.
- Both Hindu male and female who is of sound mind and is not a minor has the capacity to adopt a son or daughter.
- Section 9 states that father or mother, if alive, shall have equal rights to give a son or daughter in adoption.
- Section 12 of the HAMA deals with the effect of adoption
- It brings about severance of all ties of the child given in adoption in the family of his or her birth. The child altogether ceases to have any ties with the family of his birth.

WHO CAN ADOPT

If the adoption is by a male and the person to be adopted is a female, the adoptive father has to be at least 21 years older than the female to be adopted.

If the adoption is by a female and the person to be adopted is a male, the adoptive mother has to be at least 21 years older than the male to be adopted.

You and your spouse are below 45 years of age and composite age does not exceed 90 years. If beyond 45, you will be required to adopt an older child proportionately to the number of years in excess of 45. In no case the age of prospective adoptive parents should exceed 55 years.

WHO CAN ADOPT

A child can be adopted by a couple/single person only.

Adoptive parents must be financially stable and must have reasonable regular source of income.

They must be physically fit and mentally sound to raise a child.

They must have a genuine motivation to adopt a child.

REQUISITES OF VALID ADOPTION

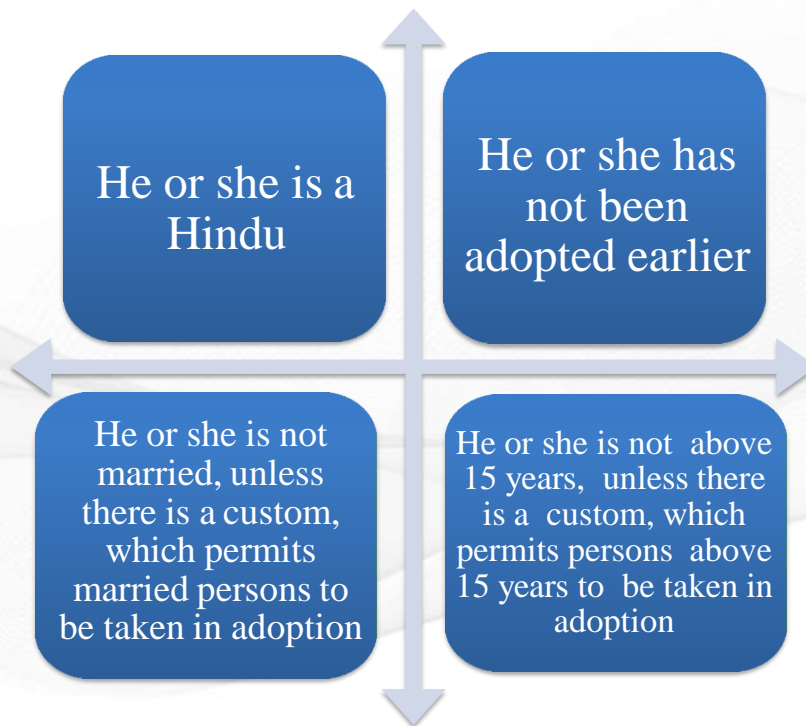
The person adopting has the capacity and also the right to take in adoption.

The Person giving in adoption also has the capacity to do so.

The person being adopted is capable of being taken in adoption

The adoption is made in compliance with the other conditions mentioned in the Act

WHO CAN BE ADOPTED



ADOPTIONS UNDER GAWA, 1890

A foreign national adopts an Indian child under this Act

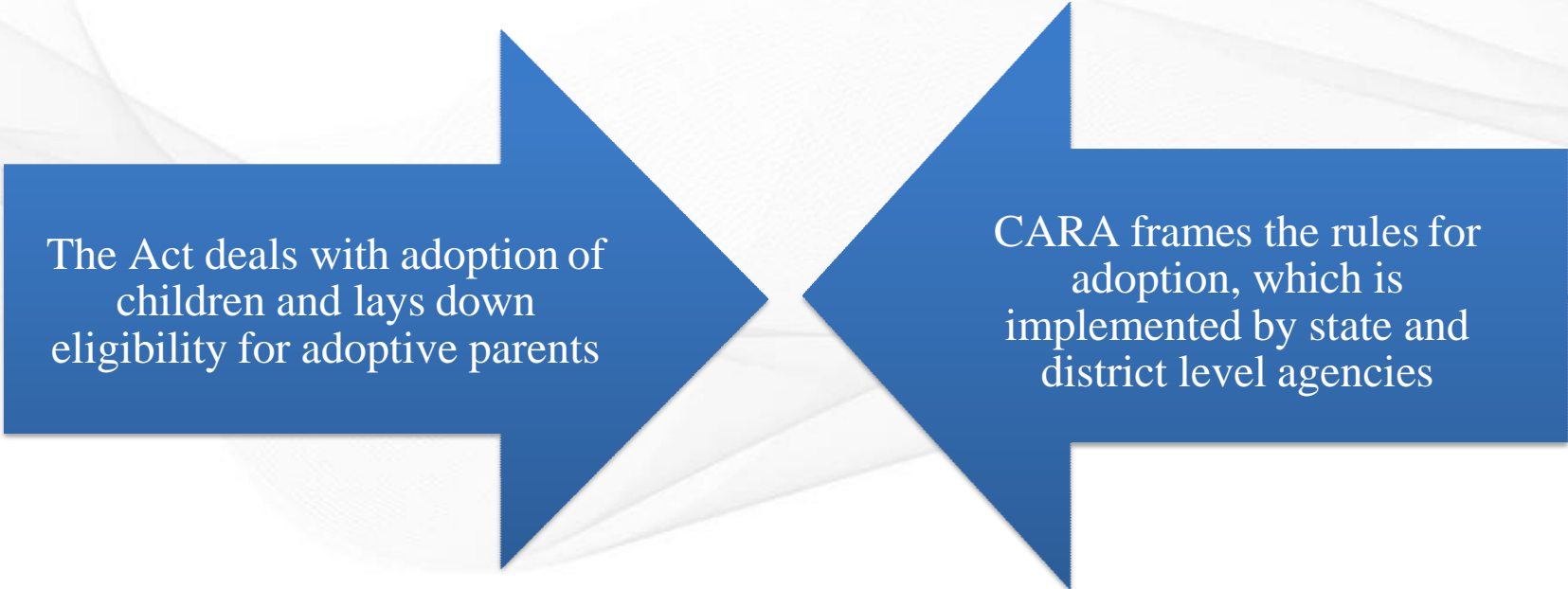
The adoptive parent is only the guardian of the child until she reaches 18 years of age.

GAWA, 1890

An adoptive parent is allowed to ask for a child, as per her preferences

Foreign citizens and NRIs supposed to adopt according to the adoption laws and the procedures in the country of their residences

ADOPTIONS UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015.



The Act deals with adoption of children and lays down eligibility for adoptive parents

CARA frames the rules for adoption, which is implemented by state and district level agencies

- **Smt. Sitabai v. Ramchandra, AIR 1970 SC 343** - The legal effect of giving the child in adoption must therefore be to transfer the child from the family of its birth to the family of its adoption.
- **L.K. Pandey vs. UOI** – The SC laid down certain guidelines for foreign adoption in an attempt to safeguard the interests of the children :
 - Applications made under the GAWA has to be disposed off within 2 months.
 - Requirement for the personal presence of the foreign national.
- **Badrilal v. Bheru 1986 (1) HLR 81** – The consent must be obtained prior to the civil adoption takes place and not later on where the proviso is disregarded adoption is not valid.
- **Ashoka Naidu v. Raymond (AIR 1976 Cal. 272)** - Adoption by an unmarried can also take place despite the fact that she is having an illegitimate child.

EFFECT ON SUCCESSION

THE HINDU MARRIAGE ACT, 1955

Application on succession rights:

1. If a Hindu married man dies after his marriage, his wife and mother receive an equal share (after his children are born, they also get equal shares).
2. A Hindu woman continues to remain a coparcener in her father's HUF although she does not become a coparcener in her father-in-law or husband's HUF.
3. After marriage, a Hindu woman's estate is first inherited by her husband (till they have children), and after the husband passes away, except for Stridhan, by the heirs of the husband.
4. A wife is entitled to an equal share of her husband's properties like other surviving, entitled heirs. If there are no other sharers, the wife has full right to inherit the entire property of her deceased husband.
5. Hindus are covered under Hindu Succession Act. If two Hindus marry under Special Marriage Act, then Section 19 of Special Marriage Act will apply to the extent of Joint family property for the purpose of succession.
6. Under Sec 16 read with Sec 3(1)(j) of HSA, 1956, the inheritance rights in parents' property of a child born out of a null and void marriage, or which was declared null as it was voidable, are the same as that of a legitimate child.

MUSLIM PERSONAL LAW

Application on succession rights:

1. Under Muslim law, no widow is excluded from the succession regardless to whether they are living together, all widows share equally as per Shariat law i.e. $\frac{1}{6}$.
2. A childless Muslim widow is entitled to one-fourth of the property of the deceased husband, after meeting his funeral and legal expenses and debts.
3. However, a widow who has children or grandchildren is entitled to one-eighth of the deceased husband's property.

THE SPECIAL MARRIAGE ACT, 1954

Application on succession rights:

1. Succession for persons married under this Act, or any marriage registered under this Act, and that of their children will be governed under the Indian Succession Act.
2. Any child of such marriage under SMA who would have been legitimate, if the marriage had been valid, shall be legitimate irrespective of the fact that the marriage is void or voidable.
3. If the parties to the marriage belong to Hindu, Buddhist, Sikh or Jain religions, then the succession to their property will be governed by Hindu Succession Act.
4. The marriage solemnized under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jaina religion shall be deemed to effect his severance from such family.
5. However, if the marriage takes place between Hindu, Buddhist, Sikh or Jaina religion, such severance from family will not be effected.

THE INDIAN CHRISTIAN MARRIAGE ACT, 1872

Application on succession rights:

- S. 33, S. 33-A, S. 34 of the Act govern succession for the widow. Together they lay down that if the deceased has left behind both a widow and lineal descendants, she will get one-third share in his estate while the remaining two-thirds will go to the latter.
- If no lineal descendants have been left but other kindred are alive, one-half of the estate passes to the widow and the rest to the kindred.
- And if no kindred are left either, the whole of the estate shall belong to his widow.
- S. 35 lays down the rights of the widower of the deceased. It says quite simply that he shall have the same rights in respect of her property as she would in the event that he predeceased her



SUCCESSION FOR PARSIS

In the case of Parsis in India, the provisions of the Indian Succession Act 1925 (Act) would apply.

- A Parsi intestate's property is distributed among his heirs in accordance with sections 51-56 of the Act.
- Sec 51 - Division of intestate's property among widow, widower, children and Parents.
- Sec 53 - Division of share of predeceased child of intestate leaving lineal descendants
- Sec 54 - Division of property where intestate leaves no lineal descendant out leaves a widow or widower or a widow or widower of any lineal descendant.
- Sec 55 - Division of property where intestate leaves neither lineal descendants nor a widow or widower nor a widow of any lineal descendant.
- Sec 56 - Division of property where there is no relative entitled to succeed under the other provisions of this Chapter
- No share for a lineal descendant of an Intestate who dies before the Intestate.



ADOPTIONS

- For Hindus, under Sec 12 HAMA, a legally adopted child has all the succession rights in the adoptive father or mother's property as a natural born.
- Muslims who wish to adopt, must take up the guardianship of a child under the rules laid out in the Guardians and Wards Act, 1890. Partial adoption permitted under the Muslim personal law i.e. till the age of foster care of the adoptive child. Adoptive child inherits from biological parents; not from adoptive parents.
- No legal adoption amongst Parsis and therefore if a Parsi couple decides to adopt a child, she or he would not enjoy automatic rights of inheritance.
- Christians may adopt under the provisions of the Juvenile Justice (Care and Protection of Children) Act 2006. Foster children do not have any right of succession.



ADOPTIONS

- **Gift Tax Officer vs Smt. Sushilabai Himmatmal Jain 2002 81 ITD 273 Pune**

Post assessee's husband's demise, she inherited all his property and took her nephew in adoption. Thereafter, she took sanyas and the adopted son received the rights of her son. The adoption was questioned by GTO. It was decided that adoption of a relative after demise of her husband was valid and the HAMA provisions were complied with therefore, the adopted son shall inherit all the property.

- ***Gigi Agarwalani v. Panna Agarwalani* AIR1956Gau100**

Gigi (widow) adopted Bidyaprakash, the son of her brother. Both belonged to Hindu Marwari community, but were subject to Jain custom regarding adoption on account of being Marwari. In matters of adoption, all Marwaris except those of Madras and Punjab and those who migrated from Joypur, Jodhpur and Bikaner, are governed by the same custom. Citing Lala Chiranji Lal's *Adoption among Marwari Agarwals* (1937), a widow of a separated brother can validly adopt without any authority from her husband or his kinsmen and can also adopt her younger brother.

OTHER CASES

- Ashfaq Ahmed (now Manish Madan), the biological son of Ahmed Razaq, who married a Hindu woman. Years after marriage, Manish and his mother lived separately, and the son converted to Hinduism; while Razaq married a Muslim woman and had two daughters. Manish wanted to exercise his rights over his late father's property. According to the law, the biological son still has the right over his father's property - **Muslim Personal Law (Shariat) Application Act, 1937**
- Iqbal Qadri contracted his marriage under the Special Marriage Act, 1954, due to which he ceases to be a Muslim for purposes of inheritance. Accordingly, after the death of such a Muslim his (or her) properties do not devolve under Muslim law of inheritance, but under the provisions of the Indian Succession Act, 1925.
- A Hindu woman marries another Hindu man as per HMA. Later, the wife discovered that he is a Christian and not a Hindu. The wife filed for the nullity of marriage and succeeded and thereafter, got married to a Hindu. The husband cannot ask for any relief since he was a Christian at the time of marriage and HMA does not apply to the Christians.

Thank You