



Q. 7.—A widow, who had no sons, and who was faithless to her husband, assigned her husband's immoveable property as security for a debt due to his creditor. Her sister-in-law objected, on the ground of the inability of a faithless wife to mortgage her husband's property. What are the rules of the Sâstras on the subject?

A.—A woman, who has no sons and is guilty of adultery, cannot have any claim to her husband's moveable or immoveable property, although he may have lived separate from other members of his family. Those, who are his legal heirs, entitled to take his property, should liquidate his debt.

*Ahmednuggar, September 3rd, 1847.*

AUTHORITIES.—(1) Vyav. May. p. 134, l. 6 (see Chap. VI. Sec. 3 c, Q. 1); (2) p. 135, l. 7; (3) p. 155, l. 5; (4) p. 159, l. 5; (5) p. 181, l. 5; (6) Mit. Vyav. f. 12, p. 1, l. 10.

Q. 8 —Can a widow, who has re-married, inherit the property of her former husband? If the widow has some children by her first husband, and if they are left under the protection of her husband's brother, can the brother in his capacity of guardian claim his deceased brother's property, or should it be given to his widow who has re-married?

A.—A widow, who re-marries, cannot be considered a faithful wife. She cannot therefore claim the property of her first husband. If she has some children by her first husband, and if they are left with her husband's brother, he can claim the property of the deceased.

*Sadr Adâlat, July 30th, 1849.*

REMARK.—The case would fall under Act XV. of 1856, and the Sâstri's decision seems to agree with Sec. 2 of that Act. See also Chap. II. Sec. 6 B.