



# Type of Property Ownership in India

## 4 PRIMARY TYPES OF PROPERTY OWNERSHIP IN INDIA

01.

### Sole Ownership

- One person is the exclusive owner of the property.
- Common in self-funded purchases.

02.

### Joint Ownership

- Two or more individuals legally share ownership.
- Names and shares must be mentioned in sale deed.

03.

### Ownership in the Name of a Spouse or Relative (Benami Risk)

- Two or more individuals legally share ownership.
- Legally possible but risky if not transparent.

04.

### Inherited Ownership

- Property passed via will or succession.
- Requires mutation of records and clarity in title.

## WOMEN'S RIGHTS IN INHERITED PROPERTY & MARITAL OWNERSHIP



### Hindu Succession (Amendment) Act, 2005

- Daughters have equal rights in ancestral property—even if born before 1956.
- They become coparceners by birth, just like sons.
- Married or unmarried, the right remains unless voluntarily relinquished.



### Married Women's Property Act, 1874

- Property owned or acquired by a married woman (from income, gift, inheritance) is her separate legal property.
- Husband has no automatic claim over it unless co-ownership is documented.



### Maintenance Rights & Matrimonial Disputes

- Daughters have equal rights in ancestral property—even if born before 1956.
- They become coparceners by birth, just like sons.
- Married or unmarried, the right remains unless voluntarily relinquished.



### Legal Heir Certificate

- Required to claim property of a deceased family member.
- Women must assert heirship proactively to avoid property dilution.



### Important Supreme Court Rulings:

- 2020: Daughters have equal coparcenary rights even if the father passed away before 2005.
- 2022: A daughter-in-law cannot be evicted from the shared household unless due process is followed.



### Recent Legal Updates Relevant to Women:

- 2023: Bombay High Court ruled that a woman has the right to reside in a shared household even if she does not own it, until she is lawfully evicted or provided alternative accommodation in cases of domestic strife.
- 2024: Supreme Court upheld that in cases where a property was bought by a woman with her own earnings, no oral claim by her husband or in-laws would stand unless documented.

## WHY THIS MATTERS FOR WOMEN

- Many women assume inherited or matrimonial property automatically belongs to them—this is often not true legally.
- Names on documents, not just family role, determine enforceable ownership.

## WHAT YOU CAN DO

- Ask for mutation of inherited property in your name.
- Maintain financial records of your contribution to marital property.
- Review your rights with a lawyer post-divorce or after a parent's death.
- Educate daughters early on about their legal rights in ancestral property.