



2026:KER:8018

RSA 463/2011

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE EASWARAN S.

MONDAY, THE 19TH DAY OF JANUARY 2026 / 29TH POUSHA, 1947

RSA NO. 463 OF 2011

AGAINST THE JUDGMENT AND DECREE DATED 13.12.2010 IN AS
NO.155 OF 2010 OF I ADDITIONAL DISTRICT COURT,
THIRUVANANTHAPURAM ARISING OUT OF THE JUDGMENT AND DECREE
DATED 30.10.2004 IN OS NO.1125 OF 1999 OF II ADDITIONAL
MUNSIFF'S COURT ,NEYYATTINKARA

APPELLANTS/LEGAL HEIRS OF THE ORIGINAL APPELLANT/LEGAL
HEIRS OF THE PLAINTIFF:

1 VIJAYAN,

2 INDIRA

BY ADV SMT.M.HEMALATHA

RESPONDENT/RESPONDENT/DEFENDANT:

APPUKUTTA

BY ADV SRI.M.R.JAYAPRASAD



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THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON
19.01.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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“C.R”

EASWARAN S., J.

RSA No.463 of 2011

Dated this the 19th day of January, 2026

J U D G M E N T

The plaintiff in OS No.1125/1999 on the files of the Additional Munsiff's Court-II, Neyyattinkara, a suit for declaration and injunction, has come up in the present appeal, aggrieved by the concurrent findings rendered against her. In this appeal, this Court is called upon to consider the applicability of the '**Slayer Rule**', a common law doctrine to the Indian Law, especially when the parties are governed by the Indian Succession Act, 1925.

2. The brief facts necessary for the disposal of the appeal are as follows:

Plaintiff's daughter and the defendant were married on 14.11.1996 as per the custom prevailing among the Christian Community. Prior to the marriage, the plaintiff along with her son, Vijayan, executed a settlement deed dated 23.9.1996 in favour of the defendant and the plaintiff's daughter, deceased Valsala. The property of 20 cents was



given to her daughter and to her husband as *Sthreedhanam* at the time of marriage. Even after the registration of the settlement deed, the defendant was not satisfied and always demanded more dowry. The defendant was not satisfied with the land acquired by the settlement deed and demanded cash. Rs.75,000/- was thus paid to the defendant after registering a sale deed of the land on 19.2.1997. The amount was deposited in the joint names of the plaintiff's daughter and the defendant, vide deposit receipt No.752285/41/97 of the Indian Overseas Bank Ltd., Charottukonam Branch, Thiruvananthapuram. On 25.5.1997, the defendant murdered his wife and that the defendant was charge-sheeted under Sections 498A, 302 and 34 of the Indian Penal Code, the defendant being the first accused in SC No.97/99 pending before the Sessions Court, Thiruvananthapuram. In the light of the fact that the fixed deposit is maturing and that the plaintiff is the sole legal heir, who is entitled to receive the amount, the suit was instituted. The defendant remained ex parte. No written statement was filed. But still, the trial court dismissed the suit on the ground that the parties are governed by the Indian Succession Act, 1925 and therefore, unlike the provisions contained under the Hindu



Succession Act, 1956, there is no provision which disqualifies a husband who is a murderer of his wife, being disentitled to inherit the property of his wife. Aggrieved, the plaintiff preferred an appeal, A.S.No.155/2010, before the Additional District Court-I, Thiruvananthapuram, which was also dismissed. Hence, the present appeal.

3. On 12.4.2011, this Court framed the following substantial questions of law:

- “1. When the settlement deed dated 17.2.1997 was executed in favour of the respondent and his wife prior to their marriage on 14.11.1996 by the deceased plaintiff, the mother of the deceased wife of the respondent, whether the husband could claim any right in the property in view of the provisions of Dowry Prohibition Act, 1961 in the light of the decision of this Court in *Rani v. Sasidharan* (2002 (1) KLT 194)?
2. When respondent was convicted and sentenced for dowry death of his wife, whether respondent could claim any right in the property of his wife and whether courts



below were justified in ignoring the general principles accepted by the all systems of law that no one should be allowed to reap the fruits of his crime and a murderer of his wife shall not inherit the properties of the wife?”

4. Heard Smt.M.Hemalatha, the learned counsel appearing for the appellants and Sri.M.R.Jayaprasad, the learned counsel appearing for the respondent.

5. This Court had called for a report through the Superintendent of the Central Prison to state exactly as regards the status of the defendant who is convicted to undergo imprisonment in the sessions case. As per the report received, it is pointed out that the Sessions Court had convicted the defendant to undergo imprisonment for life under Section 304B of the IPC, whereas on appeal, the said conviction was confirmed and the sentence was modified, directing the defendant to undergo rigorous imprisonment for ten years, and on completion of the sentence, he was released from the prison on 26.8.2015.

6. The learned counsel appearing for the respondent however, submits that as of today, he has no further instructions from



his client and therefore, is unable to assist this Court any further.

7. Smt.M.Hemalatha, the learned counsel appearing for the appellants, submitted that the concept of a murderer inheriting the property of his wife is against all notions of law. Even if the Indian Succession Act, 1925 does not prohibit a murderer from inheriting his wife's property, this Court must consider the larger public policy behind such inhibition, and it would be wholly impermissible for this Court to hold that, despite murder, the murderer husband would be entitled to inherit the property of his wife. In this context, it is submitted that the courts below failed to apply the law in the point of public policy and rather, undertook a pedantic approach of applying the law without looking into the larger public requirement. It is true that the provisions of the Indian Succession Act, 1925 do not contain such a prohibition, but then, merely because the Act does not contain such a prohibition, that could not entitle the defendant to automatically inherit the rights over the property of his wife. Thus, it is prayed that the judgments of the courts below be reversed and a decree be passed in favour of the plaintiff(s).

8. I have considered the submissions raised across the bar



and perused the judgments rendered by the courts below and also the records of the case.

9. In this appeal, this Court must decide as to whether in the absence of any provision under the Indian Succession Act, 1925, the Court can apply the common law doctrine of “Slayer Rule”.

10. The courts below held that in the absence of any corresponding provisions under the Indian Succession Act, 1925 disqualifying a murderer from inheritance, the claim of the plaintiff must fail. The sustainability of the above findings is seriously questioned by the appellants.

11. The Hindu Succession Act, 1956 contains an enabling provision which disqualifies a murderer from inheritance. But there are no pari materia provisions under the Indian Succession Act, 1925.

12. Under the common law doctrine of “Slayer Rule”, a person who feloniously and intentionally kills another, is disqualified from inheriting the property and receiving the proceeds of the victim he killed. The rule originated from the United States and has been consistently applied by courts as justice, equity and good conscience. Later many states in the US adopted the principle underlying the



doctrine and enacted a statute which prohibits a murderer from inheritance.

13. In the United Kingdom, the rule is commonly called the “Forfeiture Rule” which later translated into a statute - Forfeiture Act, 1982.

14. In ***Mutual Life v. Armstrong*** [117 U.S. 591, 600 (1886)], the first American case to consider the issue as to whether a slayer could profit from their crime, the US Supreme Court set forth the No Profit theory (the term "No Profit" was coined by legal scholar Adam D. Hansen in an effort to distinguish early common law cases that applied a similar outcome when dealing with slayers), a public policy justification of a slayer statutes: *"It would be a reapproach to the jurisprudence of the country if one could recover insurance policy payable on the death of the party whose life he had feloniously taken."*

15. However, though the above was the first case to have applied the principle of the slayer rule, it was often found that there was no unanimous opinion among the courts as regards the application of the above theory. Some courts coined the strict



construction theory in order to distinguish from the earlier common law cases that dealt with a similar situation involving the disinheritance of the slayer.

16. In *Riggs v. Palmer* [115 N.Y. 506 (1889)], the Court of Appeals of New York issued an opinion in 1889 applying what eventually became known as the ***slayer rule***, which bars a murderer from benefiting under the victim's will or otherwise inheriting the victim's property. However, the principles underlying the slayer rule were incorporated into the statutes in almost all U.S. states, thus legally preventing individuals, who intentionally and feloniously kill another person, from inheriting the victim's estate or from receiving benefits under insurance policies or jointly held properties.

17. But, its applicability to the Indian context has however remained largely unnoticed. But whenever the courts applied the principle, it was largely based on principles of justice, equity and good conscience.

18. As far as the Indian Law is concerned, Section 25 of the Hindu Succession Act, 1956 provides that a killer cannot take profit from his crime and the Indian Courts have largely reaffirmed this



principle. But, however, when it comes to the application provisions of the Hindu Succession Act, 1956 beyond the statute, there is no settled precedents on the point.

19. In **Swami Shradanand vs Mrs Gauhar Taj Namazie & Others** [RFA No.1487/2003 (Dec): MANU/KA/0630/2017 : 2017 KHC 7483], a Single Bench of the Karnataka High Court considered this issue in the context where the Hindu Succession Act does not apply. Placing reliance on the decisions of the Privy Council, the learned Single Judge held that the provisions of Sections 25 and 27 of the Hindu Succession Act must be applied beyond its confinement to the provisions of the Act. Paragraphs 31 and 32 are extracted hereunder:-

“31. At the cost of repetition, it is to be noted that when Bombay High Court rendered judgment in GIRIMALLAPPA CHANNAPPA SOMSAGAR v. KENCHAVA SAN-YELLAPPA HOSMANI, [(1921) 61 Indian Cases 294; AIR 1921 Bombay 270] and Privy Council upheld that there was no law, much less the Hindu Succession Act disqualifying the murderer to succeed to his victim's estate. In SAROJA CHANDRASEKAR vs THE UNION OF INDIA in Writ Petition Nos.19942 to 19944/2002 delivered on 15.07.2015, the Court beautifully narrated how the said two Judgments became instrumental in amending the Hindu Succession Act to introduce Sections 25 and 27 of the Hindu Succession Act. The objects and reasons of the



Amending Act also make a reference to the Privy Council Judgment.

32. The case on hand is probably the first in the legal history, where a person having an eye on the property of a wealthy woman gains access to her hatching the plan to grab her property and marries her under the Special Marriage Act and murders her in a very gruesome manner to grab her properties. Hopefully such cases may drive the concerned to amend the Indian Succession Act incorporating a Section *pari materia* to Sections 25 and 27 of the Hindu Succession Act. For the reasons stated above, application for rejection of the appeal memo cannot be dismissed for want of statutory provision in Indian Succession Act to disqualify the appellant to represent the estate of his victim.”

20. In **Girimallappa Channappa Somsagar v. Kenchava San-Yellappa Hosmani**, [(1921) 61 Indian Cases 294; 23 Bom LR 213; AIR 1921 Bombay 270], the Bombay High Court was called upon to consider in a suit for possession of the estate of deceased Chanbasava, whether the murderer Hanmappa is entitled to the estate of the deceased as the preferential heir under the personal law because then the Hindu Succession Act was not in force. Notwithstanding the applicability of the Hindu Succession Act, the Bombay High Court held that as a part of the larger application of the principle of justice, equity and good conscience, it would be wholly impermissible to permit a murderer to inherit the estate of the



deceased whom he murdered, as a part of public policy.

21. The cases which were decided till date largely dealt with cases involving parties governed by either codified Hindu law or Hindu Succession Act, 1956. But never in the legal history, has there been a case where the parties are governed by the Indian Succession Act, 1925. Precisely, the courts below were swayed by the fact that the Indian Succession Act, 1925 did not contain an enabling provision which disqualifies a murderer from inheritance.

22. The above discussions lead to a singular conclusion viz: the Court is permitted to apply the common law doctrine where the statute does not cater to the situation, provided the application of the principle does not infringe the constitutional principles. This Court does not wish to burden itself with the precedents wherein the Supreme Court has applied the principles of common law where the statute does not cater to the requirements of law.

23. The present case is a classic example where the court must step in and apply the principle of justice, equity and good conscience rather than adopting a pedantic approach by stating that since the statute is silent, the party cannot seek any relief.



24. Moreover, it is indisputable that the defendant was convicted for the murder of his wife and sentenced under Section 498A read with Section 304B of the Indian Penal Code. Further, even if the defendant was present before this Court, the result of this discussion would not have been different because the issue raised in this appeal is largely based on the public policy and that the courts cannot take a view which will erode social morality. Therefore, this Court is inclined to think that the findings rendered by the courts below are completely perverse and warrant interference.

25. Resultantly, this Court is inclined to answer the substantial questions of law in favour of the appellants as follows:

Since the defendant was convicted for offence and sentenced under Section 498A read with Section 304B of the Indian Penal Code, he is disqualified from inheriting the plaintiff schedule item. Accordingly, the Regular Second appeal is allowed and the judgment and decree dated 13.12.2010 in AS No.155/2010 of the Additional District Court-I, Thiruvananthapuram affirming the judgment and decree dated 30.10.2004 in OS No.1125/1999 of the Additional Munsiff's Court-II, Neyyattinkara is reversed, and that the suit, OS



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No.1125/1999 on the files of the Additional Munsiff's Court-II, Neyyattinkara, will stand decreed as prayed for. The appellants are free to apply to release the deposit. Ordered accordingly.

Sd/-

**EASWARAN S.
JUDGE**

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