CHAPTER 10

CASE STUDIES OF SYRIAN CHRISTIAN WOMEN WHO AVAILED
INDIAN SUCCESSION ACT (1925)

This research work was carried out with the main objective of understanding the awareness, knowledge and the attitude of Syrian Christian women towards inheritance rights in the light of the Indian Succession Act (1925). The researcher thought that it would complement the purpose of this study by going beyond awareness and attitude and exploring the utilisation aspect of the Indian Succession Act (1925). For this purpose, case studies of those women, who had availed the law to gain their equal right in intestate property have been incorporated. Such an inquiry could depict the experiences of those women who chose to take legal measures to gain their right to property. The cases were from the Kollam District of Kerala state. The subjects of case studies were not from the sample frame.

Due to the absence of women who had availed themselves of the law for inheritance rights in the field area, three cases were identified with the help of a few lawyers practising at the Civil Court in Kollam town. There were not many petitions relating to the inheritance rights available with the lawyers at the time of field study, and the researcher selected three cases, which had completed legal proceedings of the Court including the final judgment, and whose names and addresses were available with lawyers. The researcher met these women at their residences to record their experiences. Out of three cases, the judgments of two cases were passed in favour of the women petitioners entitling them an equal share in intestate parental property while one case was withdrawn when the court trial was going on and before the judgment could be passed on the grounds of mutual consent by the woman petitioner and her brother who was the accused.
Case One

Mariamma Alexander, 68 years old and a widow had studied up to standard 4 and is a home maker. She belonged to the Syrian Catholic Church and hailed from a lower middle class family. She had one brother, George. Mariamma was married to Mr. Alexander in 1960 and has been living in the Perinad village of Kollam district. Her parents died some years ago and her husband expired in 1980. She has six children, three boys and three girls. All were married and settled. She stayed with her elder son and family. The second son stayed close by. The youngest son was working outside Kerala. The daughters were settled at different places with their families.

After her husband’s death, she struggled to make both ends meet as the children were very young and studying and there was no steady income to meet her family’s needs. All she possessed was 90 cents of land which her father had given her at the time of marriage. In her own words “ngan orupadu kashtathayum prayasavum anubhavivchu” (I have gone through a lot of sufferings and hardships).

Mariamma’s brother, George was staying close to her house. Initially Mariamma was on good terms with her brother. In 1985, when a marriage proposal came for her eldest daughter, she pledged her jewellery to meet the initial expenses and the same had to be redeemed before the marriage as the jewellery was to be given to the daughter at the time of marriage. In this situation, Mariamma approached her brother George for financial assistance and he helped her to redeem the jewellery. Later on, taking advantage of this obligation, he approached Mariamma to appear as a false witness in the Court to evacuate a tenant who was residing in his property but she declined to do so and this had annoyed her brother who challenged to take revenge on her. “enne kalla sakshi aakuvan ayi angala nooki, pakshe ngan poyilla. Athukonde enteaduthu bhayankara viragyam aayi” (my brother wanted me to be the false witness but I did not oblige. So he became vengeful).

28 All names in the case studies have been changed in order to protect the anonymity.
George, having fallen out with his sister and under the influence of his wife Rachel, started to ill-treat her and children and even went to the extent of driving her away from his house whenever she visited them. “ente aangalayum nathoonum kude enneyum ente pillareyum orupadu upadravichu, veetil ninnu aati purathakki” (my brother and sister-in-law used to abuse and ill treat me and my children and even pushed us out of his house which was also my parental home). Not satisfied with this, George put forward a false claim for Rs.12000/ which his sister alleged to have received from him as a loan and demanded that the same be returned to him. He even printed and published handbills stating that he would go for a hunger strike in front of her house, until and unless the amount was returned to him. Mariamma obtained an injunction order from the Court, and restrained him from his plan. Being foiled in his plan of action, he filed a vexatious suit against his sister in the Court for the recovery of the amount with an interest. This suit had dragged on for eight years and at the end it was dismissed by the Court for lack of evidence. In the meanwhile, in 1992, George died.

After having suffered severe harassment at the hands of her own brother and sister-in-law, and with no economic means to survive, Mariamma filed a petition in the Civil Court in 1993, for getting her share in her father’s intestate property. “Orupadu kashtappeduthiyathukondum, yathoru nivrithiyum illathirunnathukondum ngan ente oharikkuvendi kesukoduthu (Since we were troubled so much and there was no means to survive I filed a suit for my share). The property comprised one acre of land and the parental house which was under the possession of her brother and sister-in-law. During the court proceedings, it had come to light that Mariamma’s brother George had executed a gift deed in favour of his wife Rachel while he was alive. After the lengthy legal battle, the suit was decreed in favour of Mariamma allowing her a share in 2000. After this verdict Rachel went on to appeal in the higher courts like District Courts and failing there went on to appeal in the High Court of Kerala. There too the petition was dismissed. At the time of this interview with Mariamma, her share in the intestate property was measured out by meets and bounds and was due to be taken on possession by her.
Mariamma was initially hesitant to talk to the researcher as she was under the impression that the researcher had come for some enquiry regarding the case and could do her some harm. But when she realised that the researcher was there with a different mission with regard to her research work, then she became very co-operative and narrated her experiences.

**Case Two**

Ammini Paul, was one of the seven children of lower middle class parents. They were four boys and three girls. Ammini was 52 years old and had studied up to standard 12. Before marriage she was staying with her parents at Mughathala in Kollam district. She was married to Mr. Paul, a member of the Orthodox Church, in 1979 and has three children, two boys and one girl. She has been employed as a cashier for many years in one of the private hospitals in Kollam. After her marriage she has been residing with her family in Pallimukku in Kollam. Her husband has been working in a private firm and all her three children were pursuing their education.

Her father initially had around 35 cents of land and the house. Out of this, 15 cents were given to her three older brothers, 5 cents each, and 10 cents were sold in order to meet the marriage expenses of the three daughters. So only 10 cents of land and the house were remaining. When it was time for Ammini’s marriage, her parents did not have the means to give dowry. On the contrary, Ammini had to raise money for her own dowry and also had to meet her wedding expenses. Some years ago, she had bought 15 cents of land from her earnings, which was lying close to her father’s property of 10 cents. Her parents had persuaded her to merge this land with her father’s property, and eventually she had to give in and a legal document showing joint names of both her and her father was prepared. Meanwhile her father fell ill and was hospitalised for some years and all the expenses had to be borne by her. Her father died in 1988 leaving an intestate property of his 10 cents and Ammini’s 15 cents which was in joint name.

Her younger brother, Verghese, who was unemployed at that time and unmarried was living with her mother in their house. After his marriage, all the problems started. He wanted to get his share from father’s property and her mother also supported the idea as she was
staying with him. Knowing her brothers’ cunning, Ammini demanded Rs.50000, for the value of her share in the joint property. But her brother did not concede to this suggestion and even denied her right to the property. Meanwhile, he created a fraudulent document and got it signed by their mother and also took Ammini’s signature. She blindly believed his words and did not bother to read the contents of the document. “enne ente elaya angala kalippichu, ente perilulla vasthuvum avan kallam kanichu avente perilakki” (my younger brother fooled me and confiscated the property through cheating which was in my name). The document read that she received Rs.50000/ as cash against her share in the property, which was a lie. After getting both his mother and sister’s signature Verghese got the property registered in his name.

When Ammini realised her folly, she approached a lawyer for legal remedy and filed a suit claiming not only her share in the property but also an equal share in her father’s intestate property of 10 cents in 1991. When the case came to the Court for hearing, it was learnt that Verghese had already sold off the property through clandestine means for five lakh rupees and it was already in the possession of some strangers. While the case was still pending before the Court, Verghese was humbled, knowing fully well the consequences of the case, which would be decided in favour of his sister and that he would lose half the amount from five lakhs, approached Ammini for an out of Court settlement for an amount of Rs. 50000/.

Despite the hostile behaviour of the brother in the past, Ammini compromised for the amount which was her original claim towards her property in the joint property and she had to forgo her claim for share in intestate property. Ammini’s decision to compromise was mainly to do away with the court trails which would drag on for many years, which would subject her to a lot of financial, emotional and familial stress. Finally the deal was struck and she received the amount. After settling the Court fees, lawyers’ fees and other expenses, she was left with just a meagre amount of Rs.15000/ for all the trauma, and mental, physical, and economic constraints she had suffered. “avasanam enkku onnum kittiyilla, manaprayaavum kashtathayum mathrum micham”(at the end I got nothing. I am left with only sorrow and pain).
Ammini was quite traumatised by the whole incident as she could not believe that her own brother could behave in this manner, that too when she had been supporting him and her parents as he was unemployed. She gave financial assistance for his marriage. In spite of all that she was cheated and she found this very difficult to accept.

Case Three
Sara Punnoose 57 years, belonged to an upper class Syrian Christian family whose father owned an estate comprising 75 acres of land and a palatial house at Kundara in Kollam district. She was a graduate and was married to a business man Mr. Punnoose of CSI background in 1973. She has one son who after completing his education has been employed abroad. Sara had two brothers of whom the elder brother, Mamman died some years back and he was survived by his wife and two children and the younger brother Chacko, and his family were living with parents as per the custom among the Syrian Christians. Sara’s father died in 1982 and before his death he had given shares to both sons and executed a will regarding the residue of property in the name of his wife, Aleyamma, Sara’s mother. Her mother died in 1987 leaving the residue property as intestate. As the residue was intestate in nature, it was subjected to equal division of property among Sara, Chacko and the deceased brother’s wife.

All the three siblings have been doing very well financially. However, considering the possession of vast wealth the brothers inherited from the father and the dowry she received was comparatively less, and disproportionate to the share of her brothers, Sara suggested that she be given a share (not equal) in the residue property of the deceased mother. She wanted to have a peaceful negotiation regarding this matter.

So initially an agreement was worked out between them regarding a share. But the matter took a different twist when Chacko at the behest of his wife backed out of the agreement and made an attempt to dispose off the property without the consent of Sara. Sara came to know about such move through a close family member. This was a breach of agreement Sara could not accept. Though initially her request was only for a share and not an equal share, this incident compelled her to file a suit for equal division of property in

[29 Remaining portion of property after the partition]
1990 as per the Indian Succession Act (1925). The suit was decreed in favour of Sara allotting her share in the property in 1996. Then the brother sent an appeal against this order to the High Court but the case was dismissed. Finally, Sara got her share in the intestate property of her mother in 1999.

According to Sara since she was financially quite sound the expenses incurred for all the legal proceedings did not put much burden on her unlike many other women who had to go through a big financial struggle to regain their right to property. But the emotional stress took its toll. She tried her best to maintain a loving relationship with her brother and wanted to avoid any legal tussle but it did not work out. Her brother had severed all his ties with her and her family which she found very disheartening.

**Field Experience**

Interviewing three women who had availed themselves of legal aid to procure their share in the intestate property of parents was a different experience. There was apprehension among these women when the researcher went to meet them. After having gone through the court trials and related ordeals to obtain their share in the property, narrating the whole episode to a stranger was a difficult task for these women. Recalling the bad phase of their lives was emotionally stressful. They also feared that the researcher could be an informer to the opposite party, i.e., their own brothers, who had become their enemies. It took time for them to shed their apprehensions and to open up to the researcher.

**Ethical Considerations**

Inquiry of legal issues concerning one’s own family is a very sensitive matter and the researcher had to exercise caution to avoid any unpleasant situation while conducting the inquiry. Three women preferred to maintain anonymity and the researcher had to value their wish. The researcher had to refrain from probing intensely into the sensitive side of the cases but listen patiently to their emotional narratives.
Some Observations

All the three cases belonged to different economic backgrounds. Two were from the lower middle class, while one was from an upper class. Two women had taken legal steps on the grounds of cheating and breach of trust. One case was on account of ill-treatment and humiliation meted out by her own brother. What emerges from the three cases is that these women invoked the law to ascertain their rights not because the law entitled them to do so. But they were driven to move the court on the basis of the context they were subjected to.