

قانون مدنی ایران بانگلیسی (۱۸)
(18) Iranian Civil Code

SECTION FOUR

ON THE BENEFICIARY UNDER A WILL

Article 850.

The beneficiary must be alive, and must be able to be the proprietor of the thing which is left to him in the will.

Article 851.

A legacy in favour of an unborn child is valid, but proprietary rights only pass if the child is born alive.

Article 852.

If an untimely birth is procured as the result of a crime, the legacy goes to his heirs, unless the crime prevents their inheriting.

Article 853.

If the beneficiaries are more than one in number, but are limited in number, the legacy is divided equally among them, unless the testator arranged differently in the will.

SECTION FIVE

**ON THE 'VASI' (THE PERSON AFFECTED BY A CONTRACTUAL
WILL, OR EXECUTOR)**

Article 854.

The testator can appoint one or more persons as 'vasi' if they are more than one, the persons appointed must carry out the duty together, unless each one of them has been declared independent.

Article 855.

The testator may appoint several persons in succession to be 'vasi', in this way, that if the first dies, the second becomes the 'vasi', and if the second dies, the third, ect.

Article 856.

It is possible to appoint a minor as a 'vasi', together with a person of full age. In that case, the person of full age will execute the duty until the minor arrives at full age.

Article 857.

The testator may appoint one person to superintend the operations of the 'vasi'. The limits of the authority of the superintendent will be as stipulated by the testator, or else will be determined by analogy.

Article 858.

The 'vasi' is in the position of a trustee (amin) for the property which is in his possession in accordance with the will, but he is not a guarantor, except in case there is excessive use or waste.

Article 859.

The 'vasi' must act in accordance with the will of the testator, or else he will be dismissed.

Article 860.

No one except the father or the father's father may appoint a 'vasi' for a minor.

CHAPTER TWO

ON INHERITANCE

SECTION ONE

ON THE CAUSES OF INHERITANCE AND THE VARIOUS

DEGREES OF HEIRSHIP

Article 861.

Two things give rise to inheritance; relationship and connexion by marriage.

Article 862.

Persons who take inheritance by relationship are of three categories:-

- (1) Father, mother, children, and children's children.
- (2) Grandparents, brothers, sisters, and their children.
- (3) Paternal uncles and paternal aunts, maternal uncles and maternal aunts, and their children.

Article 863.

Heirs of the lower categories take an inheritance when no person of a higher category exists.

Article 864.

The survivor of two married persons is one of the persons who take an inheritance by way of connexion by marriage.

Article 865.

If several causes of inheritance are united in the same person, he takes inheritance from all the causes, unless some of those causes exclude others, in which case he takes inheritance only from those causes which exclude others.

Article 866.

If there is no heir, the judge will make dispositions concerning the estate.

SECTION TWO

ON THE TRUE COMMENCEMENT OF THE INHERITANCE

Article 867.

The inheritance becomes definite on the real or the supposed death of the testator.

Article 868.

The rights of possession of the heirs, in relation to the estate the deceased, do not become established except after the payment of the dues and the debts attaching to the estate of the deceased.

Article 869.

The dues and debts which attach to the estate of the deceased and must be paid before it is divided up are as follows:-

- (1) The price of the winding-sheet of corpse, and the dues which attach to the property of the estate, such as a thing which is subject to pledge.
- (2) The debts and the proprietary charges which were incumbent on the deceased.
- (3) The legacies of the deceased, if without the permission of the heirs up to one third of the estate;
If with their permission, more than one third.

Article 870.

The dues mentioned in the foregoing article must be paid in the order down in that article: and the remainder, if any, must be divided up among the heirs.

Article 871.

If the heirs perform transactions relating to the capital (a'yán) of the deceased, those transactions are of no effect as long as the debts of the deceased are not paid; and the creditors can cancel them.

Article 872.

The goods of a person who is lost and of whom no trace can be found will not be distributed except upon proof of his death, or after the expiration of the period which such a person might normally be expected to live.

Article 873.

If the date of the death of persons who take inheritance from one another is not known, and the priority of one over the other is not ascertained, those persons will not take place as the result of drowing or an accidental burial, in which case they will take inheritance from one another.

Article 874.

If persons who are entitled to inherit one from another die, and the date of the death of one of them is known, and it is not known whether the death of the other was before or after that date, the person whose date of death is unknown will take an inheritance from the other, and on the vice versa.

SECTION THREE

ON THE CONDITIONS AND ALL THE IMPEDIMENTS TO

INHERITANCE.

Article 875.

It is a condition of inheritance that the heir should be alive at the moment of the death of the person from whom the inheritance issues; and if it is a question of an unborn child, it takes an inheritance only if it was conceived at the moment of death and if it was born alive, even if it dies immediately after birth.

Article 876.

If there be a doubt whether the infant was alive at the moment of birth, no inheritance passes.

Article 877.

If there be a dispute as to the moment of conception, the provisions of the law relating to the indications furnishing a presumption of paternity will be applied.

Article 878.

When at the time of death, there is an infant conceived which, if born and capable of inheriting, will prevent the succession of all or a part of the other heirs, the inheritance will not be divided up till such time as the state of the infant be determined; and if the infant conceived will not stand in the way of the inheritance of any of the others heirs, and the latter desire the estate to be divided up, a portion must be set aside for the conceived infant equal to the portion of two sons of two sons of that degree of relationship; and the portion of each of the heirs is provisional until the state of of the infant conceived is determined.

Article 879.

If there be a lost or untraceable person among the heirs, his portion will be set aside untill his state is determined.

If it be established that he died before the source of the inheritance, his portion returns to the other heirs; otherwise, it goes him or to his heirs.

Article 880.

Murder is an obstacle to succession; hence, a person who intentionally kills the deceased is prevented from taking any inheritance from him, whether he were the perpetrator, or whether he were the instigator, or whether he were acting singly as the accomplice of others.

Article 881.

If the killing of the deceased was unintentional, or by process of law, or in self-defence, the provisions of the previous article do not apply.

Article 882.

After a solemn malediction (li'án) husband and wife will not take inheritance from one another; similarly a child who, owing to a denial of paternity, has been the cause of a solemn malediction, does not take inheritance from the father nor the father from him; but said child takes inheritance from the mother and his maternal relations, and vice versa.

Article 883.

If a father, after pronouncing a solemn malediction, withdraws it, the son takes inheritance from him; but he takes no inheritance from the paternal relations, relations, nor does the father nor the paternal relations take inheritance from the son.

Article 884.

An illegitimate child does not take inheritance from the father, the mother, or their relations; but if the illegitimacy of the relationship of which the child is the result is established in relation to one of the parties, while it is not established for the other party by reason of violence or error, the child takes inheritance only from the latter side, and vice versa.

Article 885.

The children and relations of the persons who are deprived of inheritance in accordance with Article 880 are not deprived of inheritance; hence, the offspring of a person who has killed his own father takes inheritance from his murdered grandfather, if nearer relatives do not come between.