

Continuing the divorce action by the heirs might cancel the surviving spouse's intestacy rights:

The common grounds for divorce under Turkish Civil Code ("TCC") are;

- Adultery,
- Cruel and inhuman treatment,
- Committed an offense, living a life without dignity,
- Abandonment,
- Mental disorder, and
- Inevitably broken marriage.

When one of the spouses files for divorce but then during the ongoing litigation she/he dies, the heirs of the decedent spouse may take the place of the decedent spouse in order to continue the case for canceling the surviving spouse's intestacy rights.

In light of Turkish Civil Code ("TCC") article 181/2; continuing the divorce action by the heirs might cancel the surviving spouse's intestacy rights and automatically revoke a bequest in a will if the heirs of the decedent spouse can prove the surviving spouse's fault for marriage's failure. However, if the heirs of the decedent choose not to continue the pending divorce case filed by the decedent, the marriage would be accepted to be ended by the death of the spouse which will give the surviving spouse intestacy rights. In other words, the surviving spouse will have legal rights even if she/he was the abusive spouse during the marriage and will be entitled to;

1. if the decedent left issue, the surviving spouse will take one-fourth (1/4) of the estate,
2. if the decedent was survived by a parent or parents and a surviving spouse, but no issue, then the surviving spouse takes one-half (1/2) of the estate,
3. if the decedent died with a surviving spouse, and grandparents and grantparents' children, then the surviving spouse takes three-fourths (3/4) of the estate, and
4. if the decedent died with only a surviving spouse but noone else, then 100% of the estate passes to the surviving spouse.

