

# Mappilla Wills Act, 1928

TAMILNADU

India

## Mappilla Wills Act, 1928

### Act 7 of 1928

- Published on 9 May 1928
- Commenced on 9 May 1928
- [This is the version of this document from 9 May 1928.]
- [Note: The original publication document is not available and this content could not be verified.]

Mappilla Wills Act, 1928(Tamil Nadu Act 7 of 1928)Statement of Objects and Reasons Mappilla Wills Act, 1928 (Tamil Nadu Act 7 of 1928). - Though the Mapillas generally follow the Muhammadan Law, yet in the matter of inheritance, the Mappillas of North Malabar and the southern part of Kasaragod taluk in the South Kanara district have been following the Marumakkattayam Law. In order to bring this Law in conformity with the Muhammadan Law, the Malabar Mappilla Succession Act of 1918 was passed. According to this Act, Muhammadan Law of Inheritance has been made applicable to the self-acquired properties of Mappillas following the Marumakkattayam Law of Inheritance.The Malabar Wills Act, 1898 (Tamil Nadu Act 5 of 1898) applies to persons who are governed by Marumakkattayam Law of Inheritance and are domiciled in the Madras Presidency and enables such persons to dispose of their entire separate property by will. Although when this Act was passed, it might not have been the intention of the Legislature to make it applicable to Mappillas, yet Mappillas also have been taking advantage of it. According to the Muhammadan Law, a Muhammadan may dispose of by will only one-third of his estate left after defraying funeral expenses and debts. Bequests in excess of the bequeathable one-third of bequests to the heirs will not be valid unless the other heirs consent thereto after the death of the testator. It was supposed that the passing of the Malabar Mappilla Succession Act will make the Malabar Wills Act inoperative in respect of wills by Mappillas. But this point is not yet clear. Therefore, in order to bring the testamentary Law of the Mappilla also into conformity with the Muhammadan Law relating to wills, it was proposed to amend the Malabar Wills Act by adding a proviso to section 4 of the Malabar Wills Act. (See Statement of Objects and Reasons). Subsequently, the Legislature thought that the matter might be provided for by a separate amendment. Hence this Act.Published in Part IV, page 137 of the Fort St. George Gazette dated 8th November, 1927.Received the assent of the Governor on the 9th May, 1928, and that of the Governor-General on the 30th May 1928; the assent of the Governor-General was first published in the Fort. St. George Gazette, dated the 19th June 1928.An Act to define the law relating to wills by Mappillas.Preamble. - Whereas it is expedient to define the law relating to testamentary dispositions by Mappillas governed by the Marumakkattayam or the Aliyasantana Law of inheritance;And Whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; it is hereby enacted as follows :-

## **1. Short title.**

- This Act may be called the Mappilla Wills Act, 1928. This Act was extended to the Merged State of Pudukkottai by section 3 of and the First Schedule to, the Tamil Nadu Merged States (Law) Act, 1949 (Tamil Nadu Act 35 of 1949).

## **2. Commencement.**

- (i) It shall come into force on the 1st day of January 1929. (ii) Extent. - It extends to the whole of the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Madras' by the Tamil Nadu Adaptation of Laws Orders, 1970, which was deemed to have come into force on the 14th January 1969.]. (iii) Persons to whom and properties to which this Act is applicable. - It applies to testamentary dispositions by Mappillas governed by the Marumakkattayam or the Aliyasantana Law of Inheritance in respect of property which, but for such testamentary disposition, would devolve in accordance with the provisions of the Mappilla Succession Act, 1928.

## **3. Testamentary dispositions by Mappillas to be governed by this Act and not by [Tamil Nadu] [Substituted for the word 'Madras' by Tamil Nadu Adaptation of Laws Order 1969, as amended by Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act V of 1898.**

- The testamentary dispositions to which this Act applies shall be governed by the Muhammadan Law relating to wills and not by the Malabar Wills Act, 1898 [Tamil Nadu] [Substituted for the word 'Madras' by Tamil Nadu Adaptation of Laws Order 1969, as amended by Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act V of 1898).