

# The Tamil Nadu Administration of Estates Regulation, 1802

TAMILNADU

India

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### Act 3 of 1802

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The Tamil Nadu Administration of Estates Regulation, 1802 Tamil Nadu Regulation 3 of 1802 Substituted for 'Regulations of the Governor of Fort St. George in Council' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969. Short title, 'the Tamil Nadu Administration of Estates Regulation, 1802', see the Repealing and Amending Act, 1901 (Central Act XI of 1901). A Regulation for receiving, trying and deciding suits or complaints declared cognizable in the Courts. [x x x] [The words 'of Adalat established in the several Zilas immediately subject to the Presidency of Fort St. George' were omitted by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.] The following rules are enacted for receiving, trying and deciding suits or complaints declared cognizable in the Courts of Adalat established in the several Zilas: - Section 1 and the unrepealed part of section 16 of this Regulation were declared by the Laws of Local Extent Act, 1874 (Central Act XV of 1874) - section 4 and the Second Schedule to be in force in the whole of the State of Tamil Nadu except the territories mentioned in the Sixth Schedule to that Act. This Regulation was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949). This Regulation was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), which came into force on the 1st April 1961.

### 2. to 6.

Repealed by Central Act X of 1861.

### 7.

Repealed by Central Acts X of 1861 and III of 1873.

**8.**

Repealed by Central Act XVII of 1862.

**9. and 10.**

Repealed by Central Act X of 1861.

**11.**

Repealed by Central Act XII of 1876

**12. to 15.**

Repealed by Central Act X of 1861

**16. Laws applicable to certain classes of suits.**

[Repealed by Central Act III of 1873][x x x] [Clause, so far as it applies to Hindus, was repealed by Tamil Nadu Regulation V of 1829. section 2, which so much of it as applies to Law-officers has been repealed by Madras Act V of 1867.]Second. - Executors to Muhammadans and others whose heirs are not : disqualified landholders to take charge of assets and execute trust. - In all cases of a Mussulman, or other person subject to the jurisdiction of the Zila Courts, having at his death left a will, and appointed an executor or executors to carry the same into effect, and in which the heir to the deceased may not be a disqualified landholder subject to the superintendence of the Court of Wards, the executors so appointed are to take charge of the estate of the deceased, and proceed in the execution of their trust according to the will of the deceased and the laws and usages of the country, without any application to [x x x] [The expression 'the fudge of the Court of Adalat, or', and the word 'other' were repealed by Central Act XII of 1876.] any [x x x] [The expression 'the Judge of the Court of Adalat, or', and the word 'other' were repealed by Central Act XII of 1876.] officer of Government for his sanction; and the Courts of Justice are prohibited to interfere in such cases, except on a regular complaint against the executors for a breach of trust, or otherwise, when they are to take cognizance of such complaint, in common with all others of a civil nature, [x x x] [The expression 'under the general rule contained in section V, Regulation 11, 1802, and proceed thereupon according to the Regulations,' were repealed by Central Act XII of 1876.] with respect to which the Judge is to be guided by the law of the parties, [x x x] [words 'taking the opinion of their law-officers upon any legal exception to the executors, as well as upon the provision to be made for the administration of the estate, in the event of the appointed executor being set aside, and generally upon all points of law that may occur', and the words and figures 'as expounded by his law-officers, subject to any modifications enacted by the Governor in Council in the form prescribed by Regulation 1,1802', were repealed by the Repealing and Amending Act, 1901 (Central Act XI of 1901), section 3(2) and the Third Schedule.]. [Third. [The rules contained in clauses third,fourth,fifth, sixth and seventh of section 16 have been declared applicable by section 4 of the

Tamil Nadu Wills Regulation, 1829 (Tamil Nadu Regulation V of 1829) to the cases of Hindus dying and leaving Wills.] - In case of a Hindu, Mussulman or other person subject to the jurisdiction of the [Zila Courts dying intestate], but leaving a son or other heir, who by the laws of the country may be entitled to succeed to the whole estate of the deceased, such heir, if of age, and competent to take the possession and management of the estate, or if under age or incompetent, and not under the superintendence of the Court of Wards, his guardian or nearest of kin, who by special appointment, or by the law and usage of the country, may be authorized to act for him, is not required to apply to the Courts of Justice for permission to take possession of the estate of the deceased, as far as the same can be done without, violence; and the Courts of Justice are restricted from interference in such cases, except a regular complaint be preferred, [x x x] [Words 'when they are to proceed thereupon according to the general regulations' were repealed by Cent Act XII of 1876.].Fourth. - If there be more heirs than one to the estate of a person dying intestate, and they can agree amongst themselves in the appointment of a common manager, they are at liberty to take possession, and the Courts of Justice are restricted from interference, without a regular complaint, as in the case of a single heir; but if the right of succession to the estate be disputed between several claimants, one or more of whom may have taken possession, the Judge, on a regular suit being preferred by the party out of possession, shall take good and sufficient security from the party or parties in possession, for his or their compliance with the judgement that may be passed in the suit; or; in default of such security being given, within a reasonable period, may give possession, until the suit may be determined, to the other claimant or claimants, who may be able to give such security; declaring, at the same time, that such possession is not in any degree to affect the right of property at issue between the parties, but to be considered merely as an administration to the estate for the benefit of the heirs who may on investigation, be found entitled to succeed thereto.Fifth. - In the event of none of the claimants to the estate of a person dying intestate being able to give the security required by the preceding clause, and in all cases wherein there may be no person authorized and willing to take charge of the landed estate of a person deceased, the Judge within whose jurisdiction such estate may be situated (or in which the deceased may have resided, or the principal part of the estate may lie, in the event of its being situated within two or more jurisdictions) is authorized to appoint an administrator for the due care and management of such estate, until, in the former case, the suit depending between the several claimants shall have been determined, or, in the latter case, until the legal heir to the estate, or other person entitled to receive charge thereof as executor, administrator or otherwise, shall attend and claim the same; when, if the Judge be satisfied that the claim is well founded, or if the same be established after any enquiry that may appear necessary, the administrator appointed by the Court shall deliver over the estate to him, with a full and just account of all receipts and disbursements during the period of his administration.Sixth. - In all instances of an administrator being appointed under this section, he is, previous to entering upon the execution of his office, to give good security for the faithful discharge of his trust, in a sum proportionate to the extent thereof; and the Judge appointing him is authorized to fix for him (subject to the approbation of the Court of Sadar Adalat, to whom a report is to be made in such instances) an adequate personal allowance to be paid out of the proceeds of the estate, and to be a percentage thereupon after deducting the expenses of management.Seventh. - The Judges of the Zila Courts, on receiving information that any person within their respective jurisdictions has died intestate, leaving personal property, and that there is no claimant to such property, are to adopt such measures as may be necessary for the temporary care of the property, and to issue an

advertisement, in the current language of the country, requiring the heir of the deceased, or any person entitled to receive charge of his effect, to attend for this purpose; such advertisement to be published on the spot where the property, and found, at the Adalat, kachari of the Zila and, if ascertainable, at the dwelling-place of the deceased [x x x] [Words 'or, if the deceased were an European, in the Madras Gazette,' were repealed by the Repealing and Amending Act, 1902 (Central Act XI of 1901), section 3(2) and the Third Schedule.] after which, should any person attend, and satisfy the judge of his title to the property, or to receive charge thereof as executor, administrator or otherwise the same is to be delivered up to him, on repayment of any necessary expense incurred in the care of it.] Should no claim be preferred within the twelve months next ensuing, an inventory of the property, and report of the circumstances of the case, is to be transmitted to the [State Government] [Words 'Provincial Government' were Substituted for 'Governor in Council' by the Adaptation Order of 1937 and the word 'State' was Substituted for 'Provincial' by the Adaptation Order of 1950.] for [their] [Substituted for 'his' by the Adaptation Order of 1937.] orders.

**17. to 20.**

[Repealed by Central Act X of 1861]

**21.**

[Repealed by Central Act XVI of 1874]

**22. to 26.**

[Repealed by Madras Act II of 1869]

**27. to 29.**

[Repealed by Central Act X of 1861]