

The Himachal Pradesh (Restriction To Contest Alienation or Adoption Under Custom) Act, 1976

HIMACHAL PRADESH

India

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Act 27 of 1976

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The Himachal Pradesh (Restriction To Contest Alienation or Adoption Under Custom) Act, 1976 Act No. 27 of 1976 Government of Himachal Pradesh Revenue Department The Act was passed by the Himachal Pradesh, Vidhan Sahha, on the 2nd March, 1976; it received the assent of the President of India on the 1st July, 1976 and thereafter it was published in the Rajpatra H.P. (Ex.), dated 13-7-76. An Act to amend and consolidate the law relating to imposition of restrictions on the power of descendants or collaterals to contest an alienation of immovable property or the appointment of an heir on the ground that such alienation or appointment is contrary to custom. Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Himachal Pradesh (Restriction to Contest Alienation or Adoption under Custom) Act, 1976. (2) It extends to the whole of Himachal Pradesh. (3) It shall come into force at once.

2. Definitions.

- In this Act, -(a) "alienation" includes any testamentary disposition of property, and (b) "appointment of an heir" includes any adoption made or purporting to be made according to custom.

3. Scope of Act.

- This Act shall apply only in respect of alienations of immovable property or appointments of heirs made by persons who in regard to such alienations or appointments are governed by custom.

4. Limitation on the right to contest alienations and appointments of heirs.

- Subject to the provisions contained in section 7 and notwithstanding anything to the contrary contained in section 5 of the Punjab Laws Act, 1872, (4 of 1872) as in force in Himachal Pradesh, no person shall contest any alienation of ancestral immovable property or any appointment of an heir to such property on the ground that such alienation or appointment of an heir to such property on the ground that such alienation is contrary to custom, unless such person is descended in male lineal descent from the great-great-grand father of the person making the alienation or appointment.

5. Alienation of non-ancestral property.

- Notwithstanding anything to the contrary contained in section 5 of the Punjab Laws Act, 1872, (4 of 1872) as in force in Himachal Pradesh, no person shall contest any alienation of non-ancestral immovable property or any appointment of an heir as such property on the grounds that such alienation or appointment is contrary to custom.

6. Repeal.

- The Punjab Custom (Power to Contest) Act, 1920, (2 of 1920) as applied to Bilaspur district of Himachal Pradesh by the Bilaspur (Application of Laws) Order, 1949 and the Punjab Custom (Power to Contest) Act, 1920, (2 of 1920) in its application to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) are hereby repealed.

7. Savings.

- This Act, shall not affect any right to contest any alienation or appointment of on heir mode before the date on which this Act comes into force and every proceeding contesting on alienation or appointment of on heir made before the commencement of this Act shall be disposed of as if the Acts mentioned in section 6 had not been repealed and this Act had not come into force