

ACT No. XL OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
September, 1926.)

An Act to amend the provisions of section 33 of the Indian Succession Act, 1925.

XXIX of 25.
WHEREAS it is expedient to amend the provisions of section 33 of the Indian Succession Act, 1925, so as to provide more liberally for the surviving widow or husband where there are no lineal descendants in the case of a total intestacy; It is hereby enacted as follows:—

1. This Act may be called the Indian Succession (Amend- short title.
ment) Act, 1926.

XXIX of 26.
2. To clause (b) of section 33 of the Indian Succession Act, Amendment of
1925 (hereinafter referred to as the said Act), before the words section 33, Act
“ If he has left no lineal descendant ” there shall be prefixed XXXIX of
the words “ Save as provided by section 33A ”. 1925.

3. After section 33 of the said Act the following section Insertion of
shall be inserted, namely:— new section 33A
in Act XXXIX
of 1925.

“ 33A. (1) Where the intestate has left a widow but no Special provi-
lineal descendants and the nett value of his property does not sion where
exceed five thousand rupees, the whole of his property shall intestate has
belong to the widow. left widow and
no lineal
descendants.”

(2) Where the nett value of the property exceeds the sum of five thousand rupees, the widow shall be entitled to five thousand rupees thereof and shall have a charge upon the whole of such property for such sum of five thousand rupees, with interest thereon from the date of the death of the intestate at 4 per cent. per annum until payment.

(3) The provision for the widow made by this section shall be in addition and without prejudice to her interest and share
in

Price Anna 1 or 1½d.]

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in the residue of the estate of such intestate remaining after payment of the said sum of five thousand rupees, with interest as aforesaid, and such residue shall be distributed in accordance with the provisions of section 33 as if it were the whole of such intestate's property.

(4) The nett value of the property shall be ascertained by deducting from the gross value thereof all debts, and all funeral and administration expenses of the intestate, and all other lawful liabilities and charges to which the property shall be subject.

(5) This section shall not apply—

(a) to the property of:—

- (i) any Indian Christian,
- (ii) any child or grandchild of any male person who is or was at the time of his death an Indian Christian, or
- (iii) any person professing the Hindu, Buddhist, Sikh or Jaina religion the succession to whose property is, under section 24 of the Special Marriage Act, 1872, regulated by the provisions of this Act;

(b) unless the deceased dies intestate in respect of all his property."

III of 1872.

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