

Succession Act, 1925

Section 219 - WHERE DECEASED IS NOT A HINDU, MUHAMMADAN, BUDDHIST, SIKH, JAINA OR EXEMPTED PERSON If the deceased has died intestate

SECTION 218: TO WHOM ADMINISTRATION MAY BE GRANTED, WHERE DECEASED IS A HINDU, MUHAMMADAN, BUDDHIST, SIKH, JAINA OR EXEMPTED PERSON (1) If the deceased has died intestate and was a Hindu, Muhammadan, Buddhist, Sikh or Jaina or an exempted person, administration of his estate may be granted to any person who, according to the rules for the distribution of the estate applicable in the case of such deceased, would be entitled to the whole or any part of such deceased's estate. (2) When several such persons apply for such administration, it shall be in the discretion of the Court to grant it to any one or more of them. (3) When no such person applies, it may be granted to a creditor of the deceased. a) If the deceased has left a widow, administration shall be granted to the widow, unless the Court sees cause to exclude her, either on the ground of some personal disqualification, or because she has no interest in the estate of the deceased. (b) If the Judge thinks proper, he may associate any person or persons with the widow in the administration who would be entitled solely to the administration if there were no widow. (c) If there is no widow, or if the Court sees cause to exclude the widow, it shall commit the administration to the person or persons who would be beneficially entitled to the estate according to the rules for the distribution of an intestate's estate: Provided that, when the mother of the deceased is one of the class of persons so entitled, she shall be solely entitled to administration. (d) Those who stand in equal degree of kindred to the deceased are equally entitled to administration. (e) The husband surviving his wife has the same right of administration of her estate as the widow has in respect of the estate of her husband. (f) When there is no person connected with the deceased by marriage or consanguinity who is entitled to letters of administration and willing to act, they may be granted to a creditor. (g) Where the deceased has left property in India, letters of administration shall be granted according to the foregoing rules, notwithstanding that he had his domicile in a country in which the law relating to testate and intestate succession differs from the law of India.