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Administrators-general Act, 1963

Chapter III - Rights, Powers and Duties of the Administrator-general

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So far as regards the Administrator-General of any State, the High Court shall be deemed to be a Court of competent jurisdiction for the purpose of granting probate or letters of administration under any law for the time being in force, wheresoever within the State the estate to be administered is situate:

PROVIDED that nothing in this section shall be construed as affecting the jurisdiction of any district court.

Section 7 - Administrator-General entitled to letters of administration, unless granted to next-of-kin

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Any letters of administration granted by the High Court shall be granted to the Administrator-General of the State unless they are granted to the next-of-kin of the deceased.

Section 8 - Administrator-General, entitled to letters of administration in preference to creditors, certain legatees or friends

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The Administrator-General of the State shall be deemed by all the court sin the State to have a right to letters of administration other than letters pendente lite in preference to that of-

(a) a creditor; or

(b) a legatee, other than a universal legatee or a residuary legatee or the representative of a residuary legatee; or

(c) a friend of the deceased.

Section 9 - Right of Administrator-General to apply for administration of estates

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(1) If-

(a) any person has died leaving within any State assets exceeding rupees 1[two lakhs] in value, and

(b) (whether the obtaining of probate of his will or letters of administration to his estate is or is not obligatory), no person to whom any court would have jurisdiction to commit administration of such assets has, within one month after his death, applied in such State for such probate, or letters of administration, and

(c) (in cases where the obtaining of such probate or letters of administration is not obligatory under the provisions of the Indian Succession Act, 1925), no person has taken other proceedings for the protection of the estate, the Administrator-General of the State in which such assets are, may, subject to any rules made by the State Government, within a reasonable time after he has had notice of the death of such person, and of his having left such assets, take such proceedings as may be necessary to obtain from the High Court letters of administration of the estate of such person.

(2) The Administrator-General shall not take proceedings under this section unless he is satisfied, that there is apprehension of misappropriation, deterioration or waste of such assets if such proceedings

are not taken by him or that such proceedings are otherwise necessary for the protection of the assets.

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1. Substituted for "fifty thousand" by The Administrators-General (Amendment) Act, 1999 (Act 34 of 1999) w.e.f. 16.12.1999.

Section 10 - Power of Administrator-General to collect and hold assets where immediate action is required

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(1) Whenever any person has died leaving assets within any State exceeding rupees 1[two lakhs] in value, and the High Court for that State is satisfied that there is imminent danger of misappropriation, deterioration or waste of such assets, requiring immediate action, the High Court may, upon the application of the Administrator-General or of any person interested in such assets or in the due administration thereof, forthwith direct the Administrator-General (a) to collect and take possession of such assets, and (b) to hold, deposit, realise, sell or invest the same according to the directions of the High Court, and, in default of any such directions, according to the provisions of this Act so far as the same are applicable to such assets. (2) Any order of the High Court under sub-section (1) shall entitle the Administrator-General (a) to maintain any suit or proceeding for the recovery of such assets; (b) if he thinks fit, to apply for letters of administration of the estate of such deceased person; (c) to retain out of the assets of the estate any fees chargeable under rules made under this Act; and (d) to reimburse himself for all payments made by him to respect of such assets which a private administrator might lawfully have made.

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1. Substituted for "fifty thousand" by The Administrators-General (Amendment) Act, 1999 (Act 34 of 1999) w.e.f. 16.12.1999.

Section 11 - Grant of probate or letters of administration to person appearing in the course of proceedings taken by Administrator-General

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If, in the course of proceedings to obtain letters of administration under the provisions of Section 9 or Section 10, -

(a) any person appears and establishes his claim-

(i) to probate of the will of the deceased; or

(ii) to letters of administration as next-of-kin of the deceased, and gives such security as may be required of him by law; or

(b) any person satisfies the High Court that he has taken and is prosecuting with due diligence other proceedings for the protection of the estate, the case being one in which the obtaining of such probate or letters of administration is not obligatory under the provisions of the Indian Succession Act, 1925 (39 of 1925); or

(c) the High Court is satisfied that there is no apprehension of misappropriation, deterioration, or waste of the assets and that the grant of letters of administration in such proceedings is not otherwise necessary for the protection of the assets; the High Court shall

(1) in the case mentioned in clause (a), grant probate of the will or letters of administration accordingly;

(2) in the case mentioned in clause (b) or clause (c), drop the proceedings; and

(3) in all the cases award to the Administrator-General the costs of any proceedings taken by him under those sections to be paid out of the estate as part of the testamentary or intestate expenses thereof.

Section 12 - Grant of administration to Administrator-General in certain cases

If, in the course of proceedings to obtain letters of administration under the provisions of Section 9or Section 10, and within such period as to the High Court seems reasonable, no person appears and establishes his claim to probate of a will, or to a grant of letters of administration as next-of-kin of the deceased, or satisfies the High Court that he has taken and is prosecuting with due diligence other proceedings for the protection of the estate, the case being one in which the obtaining of such probate or letters of administration is not obligatory under the provisions of the Indian Succession Act, 1925 (39 of 1925), and the High Court is satisfied that there is apprehension of misappropriation, deterioration, or waste of the assets or that the grant of letters of administration in such proceedings is otherwise necessary for the protection of the assets; or if a person who has established his claim to a grant of letters of administration as next-of-kin of the deceased fails to give such security as may be required of him by law; the High Court may grant letters of administration to the Administrator-General.

Section 13 - Administrator-General not precluded from applying for letters within one month after death

Nothing in this Act shall be deemed to preclude the Administrator-General from applying to the High Court for letters of administration in any case within the period of one month from the death of the deceased.

Section 14 - Recall of Administrator-General's administration and grant of probate etc., to executor or next-of-kin

If an executor or next-of-kin of the deceased, who has not been personally served with a citation or who has not had notice thereof in time to appear pursuant thereto, establishes to the satisfaction of the High Court a claim to probate of will or to letters of administration in preference to the Administrator-General, any letters of administration granted in accordance with the provisions of this Act to the Administrator-General

(a) shall be revoked, if a will of the deceased is proved in the State;

(b) may be revoked, in other cases, if an application for that purpose is made within six months after the grant to the Administrator-General and the High Court is satisfied that there has been no unreasonable delay in making the application, or in transmitting the authority under which the application is made;

and probate or letters of administration may be granted to such executor or next-of-kin as the case may be.

Section 15 - Cost of obtaining administration, etc., may, on revocation, be ordered to be paid to Administrator-General out of estate

If any letters of administration granted to the Administrator-General in accordance with the provisions of this Act are revoked, the High Court may order the costs of obtaining such letters of administration, and the whole or any part of any fees which would otherwise have been payable under this Act, together with the costs of the Administrator-General in any proceedings taken to obtain such revocation, to be paid to or retained by the Administrator-General out of the estate:

PROVIDED that nothing in this section shall affect the provisions of clauses (c) and (d) of sub-section (2) of Section 10.

Section 16 - After revocation letters granted to Administrator-General to be deemed, as to him, to have been voidable only

If any letters of administration granted to the Administrator-General in accordance with the provisions of this Act are revoked, the same shall, so far as regards the Administrator-General and all persons acting under his authority in pursuance thereof, be deemed to have been only voidable, except as to any act done by any such Administrator-General or other person as aforesaid, after notice of a will or of any other fact which would render such letters void:

PROVIDED that no notice of a will or of any other fact which would render any such letters void shall affect the Administrator-General or any person acting under his authority in pursuance of such letters unless, within the period of one month from the time of giving such notice, proceedings are commenced to prove the will, or to cause the letters to be revoked, and such proceedings are prosecuted without unreasonable delay.

Section 17 - Payments made by Administrator-General prior to revocation

If any letters of administration granted to the Administrator-General in accordance with the provisions of this Act are revoked, upon the grant of probate of a will, or upon the grant of letters of administration with a copy of the will annexed, all payments made or acts done by or under the authority of the Administrator-General in pursuance of such letters of administration, prior to the revocation, which would have been valid under any letters of administration lawfully granted to him with a copy of such will annexed, shall be deemed valid notwithstanding such revocation.

Section 18 - Administrator-General's petition for grant of letters of administration

Whenever any Administrator-General applies for letters of administration in accordance with the provisions of this Act, it shall be sufficient if the petition required to be presented for the grant of such letters states, -

(i) the time and place of the death of the deceased to the best of the knowledge and belief of the petitioner;

(ii) the names and addresses of the surviving next-of-kin of the deceased, if known;

(iii) the particulars and value of the assets likely to come into the hands of the petitioner;

(iv) particulars of the liabilities of the estate, if known.

Section 19 - Name in which probate or letters to be granted

All probates or letters of administration granted to any Administrator-General shall be granted to him by that name.

Section 20 - Effect of probate or letters granted to Administrator-General

(1) Probate or letters of administration granted by the High Court to the Administrator-General of any State shall have effect over all the assets of the deceased throughout India and shall be conclusive as to the representative title against all debtors of the deceased and all persons holding such assets, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such assets to such Administrator-General.

(2) Whenever a grant of probate or letters of administration is made by a High Court to the Administrator-General, the High Court shall send to the High Courts for the other States a certificate that such grant has been made, and such certificate shall be filed by the High Court receiving the same.

(3) Any probate or letters of administration granted by the High Court for the State of Jammu and Kashmir before the commencement of the Central Laws (Extension to Jammu and Kashmir) Act, 1968 shall, after such commencement, be as effective as if such probate or letters of administration had been granted under this section.

Section 21 - Effect of grant by the High Court of Jammu and Kashmir [***]

21. Effect of grant by the High Court of Jammu and Kashmir[1] [***]

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1. Omitted by the Central Laws (Extension to Jammu and Kashmir) Act, 1968.

Section 22 - Transfer by private executor or administrator of interest under probate or letters

(1) Any private executor or administrator may, with the previous consent of the Administrator-General of the State in which any of the assets of the estate, in respect of which such executor or administrator has obtained probate or letters of administration, are situate by an instrument in writing under his hand notified in the Official Gazette, transfer the assets of the estate, vested in him by virtue of such probate or letters to the Administrator-General by that name or any other sufficient description.

(2) As from the date of such transfer, the transferor shall be exempt from all liability as such executor or administrator, as the case may be, except in respect of acts done before the date of such transfer, and the Administrator-General shall have the rights which he would have had, and be subject to the liabilities to which he would have been subject, if the probate or letters of administration, as the case may be, had been granted to him by that name at the date of such transfer.

Section 23 - Distribution of assets

(1) When the Administrator-General has given the prescribed notice to creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets or any part thereof in discharge of such lawful claims as he has notice of.

(2) The Administrator-General shall not be liable for the assets so distributed to any person of whose claims he had no notice at the time of such distribution.

(3) No notice of any claim which has been sent in and has been rejected or disallowed in part by the Administrator-General shall affect him, unless proceedings to enforce such claim are commenced within one month after notice of the rejection or disallowance of such claim has been given in the prescribed manner and unless such proceedings are prosecuted without unreasonable delay.

(4) Nothing in this section shall prejudice the right of any creditor or other claimant to follow the assets or any part thereof in the hands of the persons who may have received the same respectively.

(5) In computing the period of limitation for any suit, appeal or application under the provisions of any law for the time being in force, the period between the date of submission of the claim of a creditor or other claimant to the Administrator-General and the date of the final decision of the Administrator-General on such claim shall be excluded.

Section 24 - Appointment of Official Trustee as trustee of assets after completion of administration

(1) When the Administrator-General has, so far as may be, discharged all the liabilities of an estate administered by him, he shall notify the fact in the Official Gazette, and he may, by an instrument in writing with the consent of the Official Trustee and subject to any rules made by the State Government, appoint the Official Trustee to be the trustee of any assets then remaining in his hands.

(2) Upon such appointment, such assets shall vest in the Official Trustee as if he had been appointed trustee in accordance with the provisions of the Official Trustees Act, 1913 (20 of 1913), and shall be held by him upon the same trusts as the same were held immediately before such appointment.

Section 25 - Power of High Court to give directions regarding administration of estate

The High Court may, on application made to it by the Administrator-General or any person interested in the assets or in the due administration thereof, give to the Administrator-General of the State any general or special directions as to any estate in his charge or in regard to the administration of any such estate.

Section 26 - No security to be required from Administrator-General

No Administrator-General shall be required by any Court to enter into any administration bond, or to give other security to the Court, on the grant of any letters of administration to him by that name.

Section 27 - Manner in which petition to be verified by Administrator-General

No Administrator-General shall be required to verify, otherwise than by his signature, any petition presented by him under the provisions of this Act, and, if the facts stated in any such petition are not within his own personal knowledge, the petition may be subscribed and verified by any person competent to make verification.

Section 28 - Entry of Administrator-General not to constitute notice of a trust

The entry of the Administrator-General by that name in the books of a company shall not constitute notice of a trust, and a company shall not be entitled to object to entering the name of the Administrator-General on its register by reason only that the Administrator-General is a corporation, and in dealing with assets the fact that the person dealt with is the Administrator-General shall not of itself constitute notice of a trust.

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