

Administrators-general Act, 1963

Section 11 - Grant of Probate or Letters of Administration to Person Appearing in the Course of Proceedings Taken by Administrator-general

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.
