

Estates Partition Act, 1897

Section 18 - Time within which secured creditors and maintenance -holders may file claims –

(1) (a) Every creditor, whose debt is secured by the mortgage of, or is a charge on any estate, [or estates] or part thereof, vested in the State Government under Section 3, 3 [or Section 23-A] may, within six months from the date of such vesting or from the date on which such creditor is dispossessed under the provisions of clause (h) of Section 5 or within three months from the date of appointment of the Claims Officer, whichever date is latter, notify in the prescribed manner, his claim in writing to a Claims Officer to be appointed by the State Government for the purpose of determining the amount of debt legally and justly payable to each such creditor in respect of his claim. (b) Every maintenance-holder in an estate, succession to which is governed by the law of primogeniture, who is in receipt of a monetary allowance in lieu of maintenance, which is a charge on the estate or part thereof vested in the State Government under Section 3, may within the period specified in clause (a) notify in the prescribed manner to the Claims Officer in writing his claim for maintenance and the amount of allowance which he is entitled to receive therefore. Explanation I For the purpose of this section, a usufructuary mortgage or a lease executed in lieu of advances made, or a dower debt of a widow in lieu of which she is in possession of an estate shall be deemed to be a debt secured by mortgage. Explanation II Different Claims Officers may be appointed for different areas. (2) The Claims Officer shall be (a) a District Judge, if the claim notified under sub-section (1) exceeds ten thousand rupees; (b) a Subordinate Judge, if such claim does not exceed ten thousand rupees :