The Mappilla Succession Act, 1918

Act 1 of 1918

Keyword(s):
Intestate Succession, Mappillas, Marumakkattayam, Aliyasantana Law of Inheritance, Property, Muhammadan Law

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[1][TAMIL NADU] ACT No. I OF 1918[2].

[THE MAPPILLA SUCCESSION ACT, 1918.]

(*Received the assent of the Governor on the 3rd May* 1918 *and that of the Governor-General on the 25th May* 1918; *the assent of the Governor-General was first published in the Fort St. George Gazette of the 11th June* 1918.)

An Act to amend and define the law of intestate succession among Mappillas governed by the Marumakkattayam or the Aliyasantana Law of Inheritance.

Preamble.

Whereas it is expedient to amend and define the rules of law applicable to intestate succession among Mappillas governed by the Marumakkattayam or the Aliyasantana Law of Inheritance; It is enacted as follows :—

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Short title.

1. (1) This Act may be called the Mappilla Succession Act, 1918.

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette*, dated the 21st March 1916, pp. 497–498, which was withdrawn; *see* p. 379 of *ibid*, dated the 27th February 1917, and *ibid*, dated the 10th April 1917, p. 526 for the Bill as amended. For Proceedings in Council, *see ibid*, dated the 26th March 1918, pp. 119–120, and *ibid*, dated the 11th June 1918, pp. 433–434.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), which came into force on the 1st April 1961 repealing the corresponding law in force in that territory

(2) It extends to the whole of the [1][State of Tamil Nadu]. Local extent.

(3) It applies to Mappillas domiciled in the [1][State of Tamil Nadu] who are governed by the Marumakkattayam or the Aliyasantana Law of Inheritance, and also, in respect of immovable property situated within the [2][State of Tamil Nadu], to Mappillas domiciled outside the [3][said State] who are so governed. Persons to whom this Act is applicable.

2. A person is considered to die intestate in respect of all property of which he has not made a testamentary disposition capable of taking effect. Property in respect to which a deceased Mappilla is considered to have died intestate.

Explanation.— "Property" in this section does not include tarwad property unless the person dying intestate was exclusively entitled to it.

3. Such property shall, notwithstanding any custom to the contrary, devolve upon his heirs in the order and according to the rules of Muhammadan Law. Devolution of such property.

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[1] This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

[2] This expression was substituted for the expression "Madras Presidency" by *ibid.*

[3] These words were substituted for the words "said Presidency" by paragraph 4 of , and the Schedule to, *ibid.*