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[THE SIND HINDU HEIRS' RELIEF ACT, 1866.]

[31*st May*, 1866.]

AN ACT to limit the liability of a son, grandson or heir of a deceased Hindu for the debts of his ancestor, and the liability of the second husband of a Hindu widow for the debts of her deceased husband, and otherwise to amend the law of debtor and creditor.

[2][* * * * *] Preamble.

It is hereby enacted and declared as follows:—

Hindu son or grandson not liable as such for debt of ancestor.

1. No son or grandson of a deceased Hindu shall, merely by reason of his being such son or grandson, be liable to be sued for any of the debts of such deceased Hindu.

Heir to be liable as representative of deceased ancestor only to extent of assets received.

2. No son, grandson or heir of a deceased Hindu, who has by himself or his agent received or taken possession of any property belonging to the deceased, shall be liable personally for any of the debts of the deceased, merely by reason of his having so received or taken possession of any such property; but the liability of such son, grandson or heir, in respect of such debts, shall be as the representative of such deceased Hindu and shall be limited to paying the sum out of and to the extent of the property of the deceased which such son, grandson or heir or any other person, by his order or to his use, has received or taken possession of as aforesaid, and which remains unapplied:

Liability in respect of assets received and not applied.

Provided that, if any part of such property so received or taken possession of as aforesaid shall not have been duly applied by such son, grand son or heir, he shall be liable personally for such debts to the extent of the property not duly applied by him.

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1. For Statement of Objects and Reasons, *see B. G. G.*, 1866, Supplement, p. 320: for Report of the Select Committee, *see* ibid, p. 357; and for proceedings in Council, *see* ibid, pp. 330, 352, 372, and 373.

This Act has been declared, by notification No. 1254, dated 30th November, 1880 under the Scheduled Districts Act, 1874 (14 of 1874) to be in force in the Province of Sind-*see* Gazette of India, 1880, Pt. I, p. 672.

2. The words "WHEREAS, according to the law in force, as applied to Hindus by the High Court of Judicature at Bombay in the exercise of its ordinary original civil jurisdiction, no son or grandson of a deceased Hindu is liable for the debts of his ancestor merely by reason of his being such son or grandson, and no son grandson or other heir of a deceased Hindu, who has received assets of the deceased, is merely from that circumstances liable for the debts of his ancestor beyond the amount of the assets received, and no person marrying a Hindu widow is liable in consequence of such marriage for the debts of her former or any prior deceased husband:

and whereas a different Law is applied to Hindus by the Civil Courts which exercise jurisdiction in places beyond the local limits of the ordinary original civil jurisdiction of the said High Court, and it is expedient to amend the law as applied by such other Courts, and to make the law in that respect uniform throughout the Presidency of Bombay

and whereas it is also expedient limit the liability of a Hindu for a family-deb contracted when he was unborn or under twenty one years of age rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.

3. [*Pending suits.*] *Rep. Act XII of* 1873.

Husband of Hindu widow not liable for debt of deceased former husband.

4. No person who has married a Hindu widow shall, merely by reason of such marriage, be liable for any of the debts of any prior deceased husband of such widow [1]* * * * *

Liability of member of undivided Hindu family for family-debts contracted during his minority.

5. Where a debt is contracted after this Act shall come into operation by one or more members of an undivided Hindu family, under such circumstances as that the same forms the debt of the undivided family, no member of such undivided family, who is unborn or under the age of twenty-one years at the time of the contracting of such debt, shall be liable personally to pay the same, but such member shall only be liable to pay the same out of and to the extent of the property of the undivided Hindu family and of the separate property, if any, belonging to any deceased members of the undivided family who were above the age of twenty-one years at the time of the contracting the same, received or taken possession of by such member or any other person by his order or to his use and remaining unapplied, unless any part of such property so received or taken possession of as aforesaid shall not have been duly applied by such member, in which case he shall be further liable personally for such debt to the extent of the property not duly applied by him.

Savings of liability of surviving member of undivided Hindu family.

6. Except as provided in section 5 [2]* * *, nothing in this Act contained shall be construed as limiting or affecting the liability of any person as surviving member or one of the surviving members of an undivided Hindu family for any debt contracted under such circumstances as that the surviving member or surviving members of such undivided family is or by the law now in force liable to pay the same.

Interpretation.

7. The term "debt," as used in this Act, shall be construed to include all liabilites arising out of any claims which could or might be enforced against a deceased Hindu himself if living, and for which a suit would lie against his representative [3]* * *.

8. [*Commencement of Act.*] *Rep. Act XII of* 1873.

Short title.

9. This Act may be cited for all purposes as the [4][Sind] Hindu Heirs' Relief Act, 1866.

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1. The words beginning with "and the provisions" to the end rep. by the Repealing Act, 1873 (12 of 1873).
2. The words "of this Act" rep. by the Sind General Clauses Act, 1886 (Sind 3 of 1886), Sch. II.
3. The words beginning with "and unless" to the end rep. ibid.
4. Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3 (i) (w.e.f. 30th May, 1951), for "Bombay".