

Himachal Pradesh (Restriction To Contest Alienation Or Adoption Under Custom)
Act, 1976

(Act No. 27 Of 1976)

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(Received the assent of the President of India, on the 1st July, 1976 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 13th July, 1976, pp. 1401-1402).

An Act to amend and consolidate the law relating to imposition of restrictions on the power of descendants or collateral to contest an alienation of immovable property or the appointment of an heir on the ground that such alienation or appointment is contrary to custom.

Himachal Pradesh (Restriction To Contest Alienation Or Adoption Under Custom)
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(Act No. 27 Of 1976)

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh year of the Republic of India as follows:-

1. Short title, extent and commencement.-

(1) This Act may be called the Himachal Pradesh (Restriction to Contest Alienation or Adoption under Custom) Act, 1976.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions.-

In this Act,-

(a) "alienation" includes any testamentary disposition of property; and

(b) "appointment of an heir" include any adoption made or purporting to be made according to custom.

3. Scope of the Act.-

This Act shall apply only in respect of alienations of immovable property or appointments or heirs made by persons who in regard to such alienations or appointments are governed by custom.

4. Limitation on the right to contest alienations and appointment of heirs.-

Subject to the provisions contained in section 7 and notwithstanding anything to the contrary contained in section 5 of the Punjab Laws Act, 1872 (4 of 1872), as in force in Himachal Pradesh, no person shall contest any alienation of ancestral immovable property or any appointment of an heir to such property on the ground that such alienation or appointment is contrary to custom, unless such person is descended in male lineal descent from the great-grand father of the person making the alienation or appointment.

5. Alienation of non-ancestral property.-

Not with standing anything to the contrary contained in section 5 of the Punjab Laws Act, 1872 (4 of 1872), as in force in Himachal Pradesh, no person shall contest any alienation of non-ancestral immovable property or any appointment of an heir to such property on the grounds that such alienation or appointment is contrary to custom.

6. Repeal.-

The Punjab Custom (Power to Contest) Act, 1920 (2 of 1920), as applied to Bilaspur district of Himachal Pradesh by an Bilaspur (Application of Laws) Order, 1949 and the Punjab Custom (Power to Contest) Act, 1920 (2 of 1920), in its application to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966, are hereby repealed.

7. Savings.-

This Act shall not affect any right to contest any alienation or appointment of an heir made before the date on which this Act comes into force and every proceeding contesting an alienation or appointment of an heir made before the commencement of this Act shall be disposed of as if the Acts mentioned in section 6 had not been repealed and this Act had not come into force.