

THE LEGAL REPRESENTATIVES' SUITS ACT, 1855

ARRANGEMENT OF SECTIONS

Preamble.

SECTIONS

1. Executors may sue and be sued in certain cases for wrongs committed in lifetime of deceased.
2. Death of either party not to abate suit. Proviso.

¹[THE LEGAL REPRESENTATIVES' SUITS ACT, 1855]

ACT NO. 12 OF 1855

[27th March, 1855.]

An Act to enable Executors, Administrators or Representatives to sue and be sued for certain wrongs.²

Preamble.—WHEREAS it is expedient to enable executors, administrators or representatives in certain cases to sue and be sued in respect of certain wrongs which, according to the present law, do not survive to or against such executors, administrators or representatives; It is enacted as follows:—

1. Executors may sue and be sued in certain cases for wrongs committed in lifetime of deceased.—An action may be maintained by the executors, administrators or representatives

1. Short title given by the Indian Short Titles Act, 1897 (14 of 1897).

This Act has been declared to be in force in the whole of India, except Part B States and the Scheduled Districts, by the Laws Local Extent Act, 1874 (15 of 1874), s. 3.

The Act has been extended to and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and the First Schedule (w.e.f. 1-7-1965) and to the (Union Territory of Pondicherry by Act 26 of 1968, s. 3, and Schedule.

The Act came into force in the State of Sikkim on 1-9-1984 *vide* Notifn. No. S. O. 653(E), dt. 24-8-1984.

It has also been declared in force in the Khondmals District by the Khondmals Laws Regulation, 1936 (4 of 1936), s. 3 and the Schedule.; in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and Sch.; and in the Sonthal Parganas by the Sonthal Parganas Settlement Regulation, 1872 (3 of 1872), s. 3.

It has been declared, by notification under s. 3(a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely:—

West Jalpaiguri	<i>See</i> Gazette of India,	1881, Pt. I, p. 74.
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The Districts of Hazaribagh,

Lohardaga (now the Ranchi

District, *see* Calcutta Gazette, 1899, Pt. I, p.

44), and Manbhum, and Pargana Dhalbhum

and the Kolhan in the District of

Singbhum

Ditto

1881, Pt. I, p. 504.

The Scheduled portion of

The Mirzapur District

Ditto

1879, Pt. I, p. 383.

Jaunsar Bawar

Ditto

1879, Pt. I, p. 382.

The District of Lahaul

Ditto

1886, Pt. I, p. 301.

The Scheduled Districts of

the Madhya Pradesh

Ditto

1879, Pt. I, p. 771.

The Scheduled Districts in Ganjam and Vizagapatam

Ditto 1898, Pt. I, p. 870.

Assam (except the North Lushai Hills)

Ditto

1897, Pt. I, p. 299.

The Porahat Estate in the Singbhum District

Ditto

1897, Pt. I, p. 1059.

It has been extended, by notification under s. 5 of the last-mentioned Act, to the following Scheduled Districts, namely:—

Kumaon and Garhwal

See Gazette of India,

1876, Pt. I, p. 606.

The Tarai of the Province of Agra

Ditto

1876, Pt. I, p. 505.

It has been extended to the New Provinces and Merged States, *see* Act 59 of 1949, and to the States of Tripura, Manipur and Vindhya Pradesh, *see* Act 30 of 1950.

2. *See* the Civil Procedure Act, 1833 (3 and 4 Will. 4, c. 42), s. 2.

of any person deceased, for any wrong committed in the time of such person, which has occasioned pecuniary loss to his estate, for which wrong an action might have been maintained by such person, so as such wrong shall have been committed within one year before his death ¹***; and the damages, when recovered, shall be part of the personal estate of such person; and further, an action may be maintained against the executors or administrators or heirs or representatives of any person deceased for any wrong committed by him in his lifetime for which he would have been subject to an action, so as such wrong shall have been committed within one year before such person's death ²*** and the damages to be recovered in such action shall, if recovered against an executor or administrator bound to administer according to the English law, be payable in like order of administration as the simple contract debts of such person.

STATE AMENDMENTS

Karnataka

Amendment of Central Act XII of 1855.—Section 1 of the Legal Representatives' Suits Act, 1855 (Central Act XII of 1855) shall be renumbered as section 1A and before the section 1A as so renumbered, the following section shall be inserted, namely:—

“1. Short title and extent.—This Act may be called the Legal Representatives' Suits Act, 1855.

(2) It extends to the whole of the State of Karnataka”. [*Vide* Karnataka 33 of 1978, s. 4].

2. Death of either party not to abate suit. Proviso.—No action commenced under the provisions of this Act shall abate by reason of the death of either party, but the same may be continued by or against the executors, administrators or representatives of the party deceased: Provided that, in any case in which any such action shall be continued against the executors, administrators or representatives of a deceased party, such executors, administrators or representatives may set up a want of assets as a defence to the action, either wholly or in part, in the same manner as if the action had been originally commenced against them.

¹ .The words “and provided such action shall be brought within one year after the death of such person” rep. by Act 9 of 1871, s. 2 and the First Schedule, *see* now the Indian Limitation Act, 1963 (36 of 1963).

² . The words “and so as such action shall be commenced within two years after the committing of the wrong” rep. by s. 2 and the First Schedule *ibid*, *see* now Act 36 of 1963.