

CIRCULAR NO. 119

SUBJECT :- Procedure where the executor of the will is a de-facto trustees or desantont.

It has been brought to the notice of the Charity Commissioner that in certain cases wherein the executor approaching the Court for probate of the Will has failed or refused to give security and to obtain the necessary probate from the court but has continued to be in the management of the property of the trust created under the will, the Deputy/Assistant Charity Commissioner has often held in the inquiry for registration of the trust that the executor is a trustee *de facto* or desantont and such situation has continued indefinitely. There may also be other courses of trusts in which persons in actual possession and management have been held to be and recorded as *de facto* trustees of the trust. Even though such cases may be few, it is necessary to take early steps to have such trustees replaced by *de jure* trustees appointed through Court. The Regional Officers are, therefore, requested to report every such case to the Charity Commissioner stating the relevant facts of the case so as to enable the Charity Commissioner to issue necessary directions in the Matter.

C.P.GODSAY,
Charity Commissioner,
Maharashtra State, Bombay.