

CIRCULAR NO. 37

**SUBJECT.— Death of a trustee-applicant.
Whether application abates and procedure to
be followed.**

A question has been raised whether on the death of a trustee who has applied for registration of a public trust the application for registration of the trust abates and, if not, what procedure should be followed.

The death of a trustee does not affect the liability of a public trust to get itself registered. The application for registration, therefore, cannot abate on account of death of the original applicant.

In case the original applicant dies, the inquiry may be made with the help of the remaining trustee(s), which term will include the manager, that is, the person who for the time being either alone or in association with some other person or persons administers the trust property. In case, there is neither a trustee nor a manager surviving the original applicant, the inquiry may be made with the help of, and after giving "Notice, to the legal representatives of the deceased applicant. The term legal representative" will include any person who inter-meddles with the estate of the deceased; vide Section 2 (11) of the Civil Procedure Code. Local inquiries may be made in this connection through the Inspector, if necessary, to find out the names and addresses of the manager or the legal representative.

In any case, the proceedings will not abate and it will be the duty of the Deputy/Assistant Charity Commissioner

concerned, in the last resort to make an inquiry into the matter under section 19 *suo motu*.

D. R. PRADHAN,
Charity Commissioner, Bombay.

Dated : 19th November, 1952.