

Order-31 Suits by or against Trustees, Executors and Administrators

CONTENTS

1. Representation of beneficiaries in suits concerning property vested in trustees, etc
2. Joinder of trustees, executors and administrators
3. Husband of married executrix not to join

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1. Representation of beneficiaries in suits concerning property vested in trustees, etc :-

In all suits concerning property vested in a trustee, executor or administrator, where the contention is between the persons beneficially interested in such property and a third person, the trustee, executor or administrator shall represent the persons so interested, and it shall not ordinarily be necessary to make them parties to the suit. But the Court may, if it thinks fit, order them or any of them to be made parties.

2. Joinder of trustees, executors and administrators :-

Where there are several trustees, executors or administrators, they shall all be made parties to a suit against one or more of them: Provided that the executors who have not proved their testator's will, and trustees, executors and administrators outside [India], need not be made parties.

3. Husband of married executrix not to join :-

Unless the Court directs otherwise, the husband of a married trustee, administratrix or executrix shall not as such be a party to a suit by or against her.