

**THE AZAD KASHMIR MUSLIM PERSONAL LAW
(SHARIAT) APPLICATION (AMENDMENT) ACT, 1952**

(Passed under Council Order No. 487/52 dated 25-10-1952)

An Act to amend the Azad Kashmir Muslim Personal Law (Shariat) Application Act of 1948.

Preamble:- Whereas it is necessary to make further provision for the application of the shariat to Muslims in certain matters.

It is hereby enacted as follows :

1. **Short Title:-** This Act may be called the Azad Kashmir Muslim Personal Law (Shariat) Application (Amendment) Act, 1952.

2. **Amendment of Section 2 of the Azad Kashmir Act of 1948:-** For section 2 of the Azad Kashmir Muslim Personal Law (Shariat) Application Act, 1948 (hereinafter called the said Act), the following shall be substituted, namely :-

“2. Notwithstanding any rule or custom or usage in all questions regarding succession (Whether testate or intestate) special property of females, betrothal, marriage, divorce, dower, adoption, guardianship, minority, legitimacy or bastardy, family relations, wills, legacies, gifts, religious usages or institutions including Waqfs, trusts and trust property, the rule of decision shall be the Muslim Personal Law (Shariat) in cases where the parties are Muslims”.

3. **Addition of section 3-A to Azad Kashmir Act 1948:-** After section 3 of the said Act, the following new Section shall be inserted, namely :-

"3-A. Where a will made by a Muslim provides for more than one legatee succeeding to the testator's property one after the other and the will has taken effect before the coming into force of the Azad Kashmir Muslim Personal Law (Shariat) Application (Amendment) Act, 1952 on the death of the legatee in enjoyment of the property at the time of the coming into force of that Act, the property shall devolve on such heirs and successors of the testator under the Shariat as would have inherited it had the testator died intestate, and if any person who would have so

inherited the property or any share therein had there been no will has, in the mean time, died, his share into testator's property shall devolve on such of that person heirs and successors as may be in existence at the time of the death of said legatee”.
