

**THE WEST PAKISTAN MUSLIM PERSONAL LAW(SHARIAT) ACT,
1962.**

(WEST PAKISTAN ACT No.V OF 1962).

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(WEST PAKISTAN ACT No.V OF 1962).

[31stDecember, 1962].

**AN
ACT**

*to consolidate and amend the provisions of the application of Muslim Personal Law
(Shariat) in the Province of West Pakistan.*

WHEREAS it is expedient to consolidate and amend the provision for the application of Muslim Personal Law (Shariat) in the Province of West Pakistan; Preamble.

It Is hereby enacted as follows : –

1. (1) This Act may be called the West Pakistan Muslimpersonal Law (Shariat) Application Act, 1962. Short title and extent.

(2) It extends to the whole of¹[Pakistan].

2. Notwithstanding any 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 properties, the rule of decision, subject to the provisions of any enactment for the time being in force, shall be the Muslim personal Law (Shariat) in cases where the parties are Muslims. Application of the Muslim Personal Law.

²[3. The limited estates in respect of immovable property held by Muslim females under the Customary Law are hereby terminated: Termination of life estate under Customary Law.

Provided that nothing herein contained shall apply to any such estate saved by any enactment, repealed by this Act, and the estates so excepted shall continue to be governed by that enactment, not-withstanding its repeal by this Act.]

¹. In Section-1, in subsection, (2), for the words “province of West Pakistan except the Tribal Areas”, the word “Pakistan”. subs, by P.O. 4 of 1975.

².Subs by W. P. Ord No. XXXIX of 1963. s. 2. which should be deemed a ways to have been so substituted.

4. Where a will providing for more than one legatee succeeding to testator's property one after the other is operative at the commencement of this Act, its further operation shall cease upon the death of the legatee in enjoyment. Further operation of certain wills shall cease on the death of legatee-in enjoyment.
5. The life estate terminated under section 3 or the property in respect of which the further operation of will has ceased under section 4 shall devolve upon such persons as would have been entitled to succeed under the Muslim Personal Law (Shariat) upon the death of the last full owner or the testator as though he had died intestate; and if any such their has died in the meantime, his share shall devolve in accordance with Shariat on such persons as would have succeeded him, if he had died immediately after the termination of the life estate or the death of the said legatee: Devolution of property on the termination of life estate and certain wills.
- Provided that the share to which a Muslim female holding limited estate under Customary Law would have been entitled under the Muslim Personal Law (Shariat) upon the death of the last full owner shall devolve on her.
6. Save as expressly provided by the provisions of section 3, 4 and 5, this Act shall have no retrospective operation. Section 3,4 and 5 only to be retrospective.
7. (1) The following enactments are hereby repealed: Repeal and savings.
- (a) The Punjab Limitation (Custom) Act, 1920; Punjab I of 1920
- (b) The Punjab Custom (Power to Contest) Act, 1920; Punjab II of 1920
- (c) The Muslim Personal Law (Shariat) Application Act, 1937, in its application to West Pakistan; Central XXVI of 1937
- (d) The ¹[Khyber Pakhtunkhwa]Muslim Personal Law (Shariat) Application Act, 1935; N.W.F.P VI of 1935.
- (e) The Punjab Muslim Personal law (Shariat)Application. Act 1948. Punjab IX of 1948.
- (f) The Muslim Personal Law (Shariat) Application Sindh (Amendment) Act, 1950; Sind XXII of 1950.
- (g) The Bahawalpur State Shariat (Muslim Personal Law) Application Act, 1951; Bahawalpur I of 1950.
- (h) The Khairpur State Muslim Female Inheritance (Removal of Customs) Act, 1952. Khaipur of 1953.

²[2, * * *].

¹. Substituted vide Khyber Pakhtunkhwa Act No.IV of 2011.

². Omitted by the West Pakistan Ordinance XXXIX of 1963.

