

The Deo Estate Act, 1886

ACT NO. IX OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th March, 1886.)

An Act to apply the Chutia Nagpur Encumbered Estates Act, 1876, to the Deo Estate in the Gaya District.

WHEREAS Raja Bhikam Narayan Singh Bahadur, of Deo in the district of Gaya, is subject to, and his immoveable property is charged with, debts and liabilities other than debts due, and liabilities incurred, to the Government;

And whereas the said Raja has requested that the provisions of the Chutia Nagpur Encumbered Estates Act, 1876, be applied to his case;

And whereas the persons to whom the debts are due and the liabilities have been incurred have assented to the application of the Chutia Nagpur Encumbered Estates Act, 1876 (VI of 1876.), to the case on the condition that their title to receive the principal and interest due to them be in no way impaired thereby;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Deo Estate Act, 1886; and

(2) It shall come into force at once.

2. Application of Act VI of 1876 to the Deo Estate .— The provisions of the Chutia Nagpur Encumbered Estates Act, 1876 (VI of 1876), as amended by Act V of 1884, may be applied to the case of the said Raja Bhikam Narayan Singh Bahadur, subject to the following modifications, namely : —

(1) The expressions “Commissioner”, “Deputy Commissioner” and “holder”, where used in the said Act, shall be construed as referring to the Commissioner of the Patna division, the Collector of the Gaya district and the said Ra’ja’, respectively.

(2) Notwithstanding anything in section 2 of the said Act, the Commissioner may, without any further application from the said Ra’ja’ and without any further notification of the consent of the Lieutenant-Governor of Bengal, publish an order under that section appointing a manager and vesting in him the management of the whole of the immoveable property of or to which the said Ra’ja’ is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him or his heir during the continuance of the management.

(3) Section 4 of the said Act shall be read as if after the words “and their families” the words “and persons entitled to receive maintenance from the property” were added.

(4) Notwithstanding anything in section 8 —

the sums mentioned in column 2 and column 4 of the schedule to this Act, as principal and as balance due from the said Raja on the thirty-first day of December, 1885, respectively,

and the rate of interest mentioned in column 3 of that schedule,

shall, save in so far as any error with respect thereto may be proved to the satisfaction of the Commissioner, be deemed to be justly due to the several persons mentioned in column 1 of the schedule.

(5) The scheme prepared and approved under section 11 of the said Act shall provide that out of the residue applicable under section 4 of that Act, after discharge of costs of management, to the settlement of debts and liabilities, interest at the rate of six per cent. per annum in respect of so much of the principal sum of six hundred and fifty thousand rupees as is for the time being due to the Maharaja of Darbhanga shall be paid to the Maharaja before any sum is paid thereout to any other creditor.

(6) The second clause of section 12 of the said Act shall be read as if for the words “ at any time before a scheme has been approved by him under section 11” the words “ at any time before the occurrence of either of the events mentioned in the first and third clauses of this section” were substituted.

(7) The power conferred on the manager by the second clause of section 16 of the said Act, to apply for the removal of a mortgagee or conditional vendee in possession, shall not be exercised.

(8) The exercise of the power of sale conferred by section 18 of the said Act shall be subject to the following conditions, namely: —

(a) that one month's notice shall be given to the Maharaja of Darbhanga of the manager's intention to sell any property of which the said Maharaja is mortgagee;

(b) that until the debt due to the said Maharaja has been reduced to the sum of six hundred and fifty thousand rupees no portion of the proceeds of the sale of any of that property shall, without the previous consent of the Maharaja, be paid to any other creditor; and

(c) that, except with the previous consent of the said Maharaja, so much of that property shall be left unsold as will yield a yearly income sufficient, after compliance with the rest of the scheme prepared and approved under section 11 of the said Act, to meet the yearly interest for the time being payable to the Maharaja .

(9) Section 23 of the said Act shall be read as if for the words “ the Courts in Chutia Nagpur” the words “any Court “ were substituted, and as if the following words were added to the section to the section, namely: —

“and a suit relating to a claim of maintenance from the property shall not be entertained by any such Court without the previous consent of the Commissioner.”

3. Saving of Priority of Crown debts.—Nothing contained in this Act shall be construed as affecting the priority of any debt due, or liability incurred, to the Government.

SCHEDULE.

(Sec section 2, clause (4).)

Name of creditor.	Principal.			Annual rate of interest per centum.	Balance due on the 31 st December, 1885.		
1.	2.			3.	4.		
Maharaja Lachhmeshar Singh	Rs	A.	P		Rs.	A.	p
Bahadur of Darbhanga .	6,50,000	0	0	6	8,18,141	4	0
Babu Kameshwar Prasad .	2,89,751	12	2	6	2,58,340	2	7
Ditto	21,0000	0	0	12	21,000	0	0
Ditto	9,000	0	0	12	9,000	0	0
Sayyid Lutf Ali Khan Bahadur	12,045	4	0	6	13,460	8	8
Nurjahan Begum .	9,405	0	0	6	10,577	10	1
Gosain Dalmirpuri . . .	5,000	0	0	6	6,535	0	0
Gosain Dalmirpuri and Bhakhi Singh	5,400	0	0	6	4,850	0	0
Babu Ramgopal Singh and Babu Ram Kirpal Singh .	4,000	0	0	12	4,000	0	0
Ditto	3,500	0	0	12	3,500	0	0
Ditto	14,484	8	9	6	15,377	12	2
Sayyid-un-nissa Bibi . .	29,660	0	0	18	53,725	1	0
Babu Baijnath Singh . .	13,503	13	9	12	17,996	1	10
Ditto	777	8	5	Nil	777	8	5
Shaikh Imaman and Ramdhan Barai	10,000	0	0	9	10,000	0	0
Bihari Lal Barik	3,300	0	0	72	6,006	0	0
Ditto	1,750	0	0	72	3,094	0	0
Lachhman D'as and Mathura D'as	4,998	2	6	6	4,215	14	7

Ramkishan D'as . . .	1,195	10	0	12	1,267	5	0
Narayan Sahu, Sheo Sahu, Bhichuk Sahu and Sheocharan Sahu . . .	3,500	0	0	12	3,052	12	0
Madho Singh . . .	7,702	0	6	6	7,070	6	11
Raghubar Singh . . .	3,000	0	0	12	2,824	2	4
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Bishn Saran Lal . . .	389	0	0	12	389	0	0
Maharani Baliraj Kunwar .	80,000	0	0	4½	80,000	0	0