

The Bengal Land (Redemption and Foreclosure) Regulation, 1806

HARYANA

India

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Act 17 of 1806

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The Bengal Land (Redemption and Foreclosure) Regulation, 1806 Bengal Regulation 17 of 1806 11th September, 1806. A Regulation for extending to the Province of Benares the rates of interest on future loans, and provisions relative thereto, contained in Regulation XV 1793; also for a general extension of the period fixed by [Regulation I, 1798, and XXXIV, 1803 for the redemption of mortgages and conditional sales of land, under deeds of bai-bil-wafa, kat-kabala or other similar designation [Regulation 15 of 1793 was repealed by the Repealing Act, 1868 (8 of 1868) and Reg. 34 of 1803 by the Laws Local Extent Act, 1874 (15 of 1874), section 9 and Schedule VII, Part II (Unrepealed Central Acts, Vol. II).].]

7. What shall entitle mortgagor or his representative to redeem before final foreclosure, after application by mortgagee for foreclosure.

- In addition to the provisions made in the Provinces of Bengal, Bihar, Orissa and Benares, by Regulation I, 1798, and in the Ceded and Conquered Provinces by [Regulation XXXIV, 1803] [Regulation 15 of 1793 was repealed by the Repealing Act, 1868 (8 of 1868) and Reg. 34 of 1803 by the Laws Local Extent Act, 1874 (15 of 1874), section 9 and Schedule VII, Part II (Unrepealed Central Acts, Vol. II).] for the redemption of mortgages and conditional sales of land, under deeds of bai-bil-wafa, kat-kabala or any similar designation, it is hereby provided that, when the mortgagee may have obtained possession of the land on execution of the mortgaged-deed or at any time before a final foreclosure of the mortgage, the payment or established tender of the sum lent under any such deed of mortgage and conditional sale, or of the balance due, if any part of the principal amount shall have been discharged, or when the mortgagee may not have been put in possession of the mortgaged property, the payment or established tender of the principal sum lent, with any interest due thereupon, shall entitle the mortgagor and owner of such property, or his legal representative, to the redemption of his property, before the mortgage is finally foreclosed in the

manner provided for by the following section; that is to say, at any time within one year [West Bengal, Fasli or Willaiti, according to the era current where the mortgage may take place] [Substituted for 'Bengal' by Indian (Adaptation of Existing Indian Laws) Order, 1947.] from and after the application of the mortgagee to the zila or city Court of Diwani Adalat for foreclosing the mortgage and rendering the sale conclusive in conformity with section 8 of this Regulation :Provided that such payment or tender be clearly proved to have been made to the lender and mortgagee or his legal representative; or that the amount due be deposited, within the time above specified, in the Diwani Adalat of the zila or city in which the mortgaged property may be situated, as allowed for the security of the borrower and mortgagor, in such cases, by section 2, Regulation I, 1798; and section 12, [Regulation XXXIV, 1803] [Regulation XXXIV of 1803 was repealed by the Laws Local Extent Act, 1874 (15 of 1874), section 9 and Schedule VII, Part II, General Acts, Vol. II.], the whole of the provisions contained in which sections, as applied therein to the stipulated period of redemption, are declared to be equally applicable to the extended period of one year, granted for an equitable right of redemption by this Regulation.

8. Procedure for mortgagee or conditional vendee desirous to foreclose mortgage or render conditional sale absolute.

- Whenever the receiver or holder of a deed of mortgage and conditional sale, such as is described in the preamble and preceding sections of this Regulation, may be desirous of foreclosing the mortgage and rendering the sale conclusive on the expiration of the stipulated period, or at any time subsequent before the sum lent is repaid, he shall (after demanding payment from the borrower or his representative) apply for that purpose by a written petition, to be presented by himself, or by one of the authorised vakils of the Court to the Judge of the zila or city in which the mortgaged land or other property may be situated. The Judge, on receiving such written application shall cause the mortgagor or his legal representative to be furnished, as soon as possible, with a copy of it; and shall at the same time notify to him by a parwana under his seal and official signature that, if he shall not redeem the property mortgaged in the manner provided for by the foregoing section within one year from the date of the notification, the mortgage will be finally foreclosed and the conditional sale will become conclusive.