

The Himachal Pradesh Debt Reduction Rules, 1982

HIMACHAL PRADESH

India

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Rule

THE-HIMACHAL-PRADESH-DEBT-REDUCTION-RULES-1982 of 1982

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The Himachal Pradesh Debt Reduction Rules, 1982 Published vide Notification R.H.P. Extraordinary dated 19/7/1982, Pages 696-700, vide Revenue Department Notification no. Revenue 2-A(3) 5/76 dated 21-5-1982.

1. Short title and commencement extent.

(1) These rules may be called the Himachal Pradesh Debt Reduction Rules, 1982. (2) They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires: (1) "Act" means the Himachal Pradesh Debt Reduction Act, 1976. (2) "form" means a form appended to these rules. (3) "section" means a section(s) of the Act. (4) "tenant" means a tenant as defined in the Himachal Pradesh Tenancy and Land Reforms Act, 1972.

3. Grant of Self Liquidating Mortgage.

(1) A self-liquidating usufructuary mortgage under section 11 shall be granted in the form DRI on the terms and conditions indicated therein. (2) In granting a mortgage under section 11 of the Act the Court shall take care that the amount on account of the value of one fourth of the produce does not exceed the total amount of the mortgage and if it does, the period of the mortgage shall be reduced accordingly.

4. Redemption of Mortgage.

- When the debtor applies 'or redemption of mortgage granted under section 11 the Collector shall determine the number of years which the mortgage still to run, on the 30th day of June next following date on which the application is made. The Collector shall then determine the proportion of the mortgage money that must be repaid by he debtor for the redemption of his land.

5. Unsecured Decrees.

- The mortgages under section 12(1)(c) shall be granted to the holders of unsecured decrees in the ratio of the amounts of the respective decrees.Explanation. - For the purposes of this rule, if three persons have unsecured decrees amounting to Rs. 200/500 and Rs. 800 respectively one-fourth share of the produce shall be divided among the decree holders in the ratio of 2, 5, and 8.

6. Certificate of Mortgage.

- The certificate of mortgage referred to in section 12(2) shall be granted by the Court in Form DR-II.

7. Maintenance of Accounts.

- A creditor shall maintain accounts in respect of each debtor in the proforma in Form DR-III and shall give receipts in form DR-IV for all sums received by him in full payment or part payment of the loan, as the case may be, by the debtor.

8. Despatch of Statement of Account.

- The statement of account in Form DR-III, for the half year's ending June and December each year, shall be supplied by the creditor to each debtor under a covering letter in proforma DR-V. The accounts shall be supplied before the 31st July and 31st January each year.

9. Repeal and Savings.

- The Himachal Pradesh Debt Reduction Rules, 1954, are hereby repealed:Provided that the repeal of the aforesaid rules shall not affect the validity of any action taken or done under the said rulesForm Dr-IIIn the Court of Shri.....at.....Whereas Shri.....of Village.....Tehsil.....District.....has applied for payment to him outstanding against Shri.....of Village.....Tehsil.....District.....And Whereas after giving an adequate opportunity the parties concerned and examining the evidence produced before me, I am of the opinion that Shri ,.....really owes an amount of Rs.....to the said Shri.....on account of the outstanding debt and interest admissible under the law;Now Therefore, I,.....Sub-Judge.....class at.....(Place) under the provisions of the Himachal Pradesh Debt Reduction Act, 1976 do hereby grant a self liquidating usufructuary mortgage of land lying under

Khasra Nos.....situated in village Tehsil.District....as entered in the Jamabandi for the year in the ownership of Shri.(Debtor) in favour of Shri.....(Creditor) for a period of.....years commencing from Rabi/Kharif of the year.This mortgage shall be subject to the following terms and conditions:(1)That the debtor, during the period of mortgage, shall be entitled to receive from the creditor only 1/4th of the produce of the land.(2)In case the land under the mortgage is under the cultivation of a person other than the debtor, then that person ora tenant as the case may be shall pay 1/4th share or such portion of the produce as he may be paying as rent to the debtor in terms of the tenancy as the case may be.(3)The creditor or the tenant of the land under the mortgage if he be other than the debtor, shall not be entitled to any compensation for improvements made by him/them during the period of mortgage:Provided, however, that the necessary compensation as may be assessed by the competent authority shall be granted in case the improvements were made by the Government or under an order in writing of the Government or any other officer authorised by it.Given under my hand and seal of the Court this.....day of.....19Sub-Judge.....Class.In The Court Of Shri.....Sub-Judge at.....Whereas Shriof Village.....Tehsil.....of District.....has applied for payment to him of an amount of Rs.....on account of the debt outstanding against Shri.....of Village.....Tehsil.....District.....And Whereas after giving an adequate opportunity to the parties concerned and examining the evidence produced before me, I am of the opinion that Shri.....really owes an amount of Rs.....to the said Shri.....on account of the outstanding debt and interest as admissible under the law.Now Therefore I,.....Sub-Judge.....Class at.....(Place) under the provisions of the Himachal Pradesh Debt Reduction Act, 1976, do hereby grant a self liquidating usufructuary mortgage of land comprised in Khasra Nos and situated in Village.....Tehsil.....District.....as entered in the Jamabandi for the year.....in the ownership of Shri.....(Debtor) in favour of Shri.....(Creditor) for a period of.....years commencing from Rabi/Kharif of the year.....During the period of mortgage the creditor shall be entitled to receive from the debtor, if the debtor is himself cultivating land under the mortgage or from such other persons as may be cultivating the land as a tenant of the debtor, 1/4th of the produce and in the case of the tenant, such amount of produce which he has been paying to the debtor as a rent if it is less than the 1/4th of the produce.Given under my hand and seal of the Court, this day of 19Sub-Judge.....Class.Seal of the Court.Form DR.IIIDebt Account of Shri.....of Village.....Tehsil.....District.

Date	Debits	Date	Credits
1	2	3	4
	(1) Debt outstanding on 1st of January/1st July, 19.....		(1) Amount received in kind/ cash or any other form of payment(if in lieu of service indicating, how the amount has been arrived at) (reference to receipt book. Rozanamach or Rokar etc.)

(a)

Principal.....(b)

Interest.....

(2) Amount advanced in
cash/in kind/any other
forms of payment
(reference to Rozanamcha/
Rokar etc.)

(2) Total amount received upto
30th June/31st
December, 19.....

(3) Total amount advanced
until 30th June/31st
December, 19.....

(3) Balance payable on 1st
July/1st January, 19.....

Place.....

Date

Signature of the Creditor.

Form DR-IV No..... Received a sum of Rs..... (in words) from Shri on Account
of part/full payment of outstanding loan of Rs..... Signature of Creditor Form

DR-V To Shri..... As required under clause (b) of sub-section (I) of Section 24 of the Himachal
Pradesh Debt Reduction Act, 1976, I enclose for necessary action a statement of accounts of the debt
you owe to me for the half year's ending on 30th June/31st December,
19..... Date..... Place..... Signature of the Creditor.