

# Assam Money Lenders Rules

ASSAM

India

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### Rule ASSAM-MONEY-LENDERS-RULES of 1935

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Assam Money Lenders RulesPublished vide Notification No. 1099G.J, dated 12.3.1935Last Updated 5th February, 2020No. 1099G.J. - In exercise of the powers conferred by section 14 of the Assam Money Lenders Act, 1934 (Assam Act IV of 1934), the Governor in Council is pleased to make the following rules for carrying out the purposes of the Act.

#### 1.

The account prescribed by section 6 shall be maintained in the Form I shown in the schedule attached to these rules."Provided that in the case of a society registered under the Cooperative Societies Act, 1912 (Act II of 1912), the account shall be kept in the form prescribed by that Act or rules framed thereunder".

#### 2.

The fees to be paid for copies of documents to be supplied under sub-section (2) of section 7 of the Act shall be three annas for every 300 vernacular or 150 English words or part thereof :Provided that where the borrower or his authorised agent is allowed to copy a document, no fee shall be charged.

#### 3.

The application under sub-section (1) of section 10 for permission to deposit in the Court any sum of money due from a debtor to a money-lender in respect of any loan or loans shall be in writing and shall contain the following particulars :-(a)the name and full address of the money-lender in whose favour the deposit is made ;(b)a recital that the debtor has sent the money to the money-lender by postal money order or by registered post with acknowledgement due and that the money-lender has refused to accept it. (The amounts sent on account of principal and interest should be separately stated with the date of the remittance). The application shall be signed and verified in the manner

provided in sub-rule 2 and 3 of rule 15 of Order I in Schedule I to the Code of Civil Procedure, 1908, by the debtor, or by his authorised agent.

#### 4.

The application shall bear a court-fee stamp of eight annas as required by Article 1 (b) of Schedule II of the Court-fees Act, 1870, and shall further be accompanied by printed forms of notice in Form II annexed to these rules for service on the money-lender with process-fees payable in court-fee stamps according to the scale prescribed by the High Court for service of summons on defendants. The blank spaces in Form II shall be filled in by the debtor or by his authorised agent.

#### 5.

If it appears to the Court, to which an application for permission to deposit under section 10 is made, that the application is entitled under that section to deposit the money, it shall receive the same and give the receipt in Form III annexed to these rules.

#### 6.

The money-lender may apply for withdrawal of the money in Form IV annexed to these rules, and the procedure in connection with such withdrawal shall be the same as in the case of withdrawal of other civil deposits.

#### 7.

A copy of the order under sub-section (1) of section 12 of the Act shall be served on the money-lender in the manner laid down for service of summons on defendants.

## Schedule

Form I.(See rule I.)

Loan

Account of \_\_\_\_\_ s/o \_\_\_\_\_ caste \_\_\_\_\_

Opening balance (if any)-Principal -Interest-Dr.

Date	Particulars of advance in words whether cash or kind.	Advance in figures.	Amount of interest charged.	Remarks.
Cash.	Kind (number or weight)	Value of advances in kind.	Rate of interest.	

Date.	Particular of repayment whether cash or kind in words.	Repayments in figures	Appropriation.	Remarks.
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Cash	Kind (number of weight)	Value of repayment in kind.	Principal	Interest.
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Form II.(See rule 4.)Form of notice of deposit under section 10 (1)Name of money-lender.....Address.....You are hereby informed that..... of ..... has on .....deposited in this Court under section 10(1) of the Assam Money Lenders' Act, 1934 a sum of Rs..... (Rs. .... on account of principal and Rs. ....on account of interest) to your account in connection with the loan of Rs. ....which was made by you to him on.....You are requested to withdraw the amount at your earliest convenience. Government accept no responsibility for any loss which you may incur in connection with the aforesaid sum while it remains in deposit with the Court.Signature of Munsiff.Address.....Dated the.....Form III(See rule 5.)Receipt granted by Court for deposit of money due to money-lender.

Station. Court.

Whereas an application has been filed by\_\_\_\_\_ under sub-section (1) of section 10 of the Assam Act IV of 1934, for depositing a sum of money on account of his debt and whereas the Court is of opinion that the said\_\_\_\_\_ is entitled to deposit the amount under the said section it is hereby given in writing that the undermentioned amount has been deposited in this Court by\_\_\_\_\_.

Name of Money-Lender.	Date of loan.	Amount of loan.	Payment towards Principal.	Payment towards interest.	Total.
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Signature.....Date.....

Seal of the Court. { }

|}Form IV.(See rule 6)Form of withdrawal.Payment Order.

## Part I – . - Application for payment of Deposits (to be filed in by the applicant).

Name of applicant. Date of deposit Amount to be paid.

1	2	3
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Signature of applicant.....Date.....[Examined and found correct.] [The signature below the words 'Examined and found correct' must of course be held to indicate that the office signing the certificate has satisfied himself 'that the applicant is the proper party to receive payment of the amount claimed.' and that the particulars stated are correct, while the Judge in charge will be responsible that the amount claimed is in deposit, that there is no bar to payment, and that the name of the claimant corresponds with that of the payee entered in his Register.]Signature of Chief

Ministerial Officer.....Signature of Presiding Officer.....

## Part II – . - (To be filled in by the Court or under its order.)

Serial number and date of payment order.	Court's challan number and challan date of the original deposit from which the payment is sought.	Court's number and date of the original deposit.	Amount to[deposit] [As per Court's Register of Deposits Received.].	At whose credit in[deposit] [As per Court's Register of Deposits Received.].	
1	2	3	4	5	6 7 8

To

The

Officer in charge of the  
Treasury at

Cashier of the  
Court

Please pay as or order[Rupees] [Words  
above to and figures.]

Signature of Court's  
Accountant-

Signature of Judge in  
charge-

Note 1. - This order is not payable more than one month after date without a renewal enforcement by the Court and it is absolutely lapses and ceases to have effect on the 31st March next. Note 2. - Payee is hereby to take notice that after tender and payment of this order, the Treasury-Officer will admit no further responsibility. It is the duty of the payee to see to the proper custody of this document until it is cashed.

## Part III – . - (To be filled in at Treasury (or at Court if payable there)).

Received contents, Rupees.....Signature of Disbursing Cashier.....Treasury  
No.....Pay Rupees.....

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Stanp of one anna if for more than Rs. 20

|-|| Payee's signature.|}

The

19

Examined and entered.

Accountant.....

Officer in charge of Treasury.