

Tamil Nadu Agriculturists Relief Act, 1938

TAMILNADU

India

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Act 4 of 1938

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Tamil Nadu Agriculturists Relief Act, 1938 Tamil Nadu Act 4 of 1938 Received the assent of the Governor-General on the 11th March 1938 and published in the Fort St. George Gazette, dated the 22nd March 1938. An Act to provide for the relief of indebted agriculturists in the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.]. Whereas it is expedient to provide for the relief of indebted agriculturists in the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.]; It is hereby enacted as follows:-

Chapter I Preliminary

1. Short title.

(1) This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969, which came into force on the 14th January 1969.] Agriculturists Relief Act, 1938.

2. Extent.

- It extends to the whole of the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.].

3. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, - (i) "person" means an individual and includes annual provided Hindu family, a marumakkattayam or aliyasantana tarwad or tavazhi, but does not include a body corporate, a charitable or religious institution or an unincorporated company or association; (ii) "agriculturist" means a person who - (a) has a sale-able interest in any agricultural or horticultural land in the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.], [***] [Words 'not being land situated within a municipality or cantonment' were omitted by section 2(1)(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu 11 of 1973).], which is assessed by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government to land revenue (which shall be deemed to include peshkash and quit-rent), or which is held free of tax under a grant made, confirmed or recognized by Government; or (b) holds an interest in such land under a landholder under the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969.] Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969.] Act I of 1908), as tenant, ryot or under-tenure holder; or (c) holds an interest in such land, recognized in the Malabar Tenancy Act, 1929 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amend.) Order 1969.] Act XIV of 1908); or (d) holds a lease of such land from any person specified in sub-clause (a), (b) or (c) or is a sub-lessee of such land: Provided that a person shall not be deemed to be an 'agriculturist' if he - (A) has in both the financial years ending [31st March 1972] [Substituted for the expression '31st March 1938' by section 2(1)(ii)(a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] been assessed to income-tax under the Income-tax Act, 1961 (Central Act 43 of 1961) or under the Income-tax law in force in any foreign country; or (B) [has in all the four half-years immediately preceding] [Substituted for the words 'has within the two years immediately preceding' by section 2(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1962).] the [1st March 1972] [Substituted for the expression '1st October 1937' by section 2(1)(iii)(a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] been [assessed to profession tax on a half-yearly income of more than [one thousand and two hundred rupees] [Substituted for the words 'assessed to profession-tax on a half-yearly income of more than three hundred rupees' by section 2(H) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948)] derived from a profession other than agriculture under the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969.] District Municipalities Act, 1920 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969.] Act V of 1920), [the Chennai City Municipal Corporation Act, 1919.] [Words 'Tamil Nadu' were substituted for the word 'Madras' occurring in this citation by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (2nd Amendment) Order, 1969; and this expression was substituted for the

expression 'the Madras City Municipal Act, 1919 (Tamil Nadu Act IV of 1919)' by section 2(l)(iii)(c) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973) and the word 'Chennai' was substituted by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969.] Act IV of 1919), the Cantonments Act, 1924 [Central Act II of 1924] [This Act was repealed and re-enacted as the Contonment Act, 2000.], [or any law governing municipal or local bodies in [any other State or Union territory in India] [Substituted for the words 'any other Province in British India, any Indian State or any foreign State in India' by the Adaptation (amendment) Order of 1950.] or any foreign State in the continent of India] [or under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958)] [Words 'Tamil Nadu' were Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969; and this expression was substituted fop the expression 'or under the Tamil Nadu Local Boards Act, 1920 (Tamil Nadu Act XIV of 1920) in panchayat which was a union before the 26th August 1930' by section 2(l)(iii)(d) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).];or(C)[has in all the four half-years immediately preceding] [Substituted for the words 'has within the two years immediately preceding' by section (2)(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).] the [1st March 1972] [Substituted for the expression '1st October 1937' by section 2(l)(iv)(a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], been assessed to property or house tax in respect of buildings or lands other than agricultural lands, under the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969.] District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), [the Chennai City Municipal Corporation Act, 1919] (Tamil Nadu Act IV of 1919)] [Words 'Tamil Nadu' were substituted for the Words 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969; and this expression was substituted for the expression 'the Madras City Municipal Act, 1919 (Tamil Nadu Act IV of 1919)' by section 2(1)(iv)(c) the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], the Cantonments Act, 1924 (Central Act II of 1924), any law governing municipal or local bodies in [any other State or Union territory in India] [Words 'any other State in India' were substituted for the words 'any other Province in British India or any Indian State' by the Adaptation (Amendment) Order of 1950, and these words were substituted for the words 'any other State in India' by section 4 of and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957). In so far as the Tamil Nadu Act IV of 1938 applies to the added territories, these words were substituted for the words 'any other State in India' by section 4 of, and the Second Schedule to, the Tamil Nadu (added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962).] [or under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958)] [Words 'Tamil Nadu' were substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (2nd Amendment) Order, 1969; and this expression was substituted for the expression 'or under the Tamil Nadu Local Boards Act, 1920 (Tamil Nadu Act XIV of 1920), in a panchayat which was a union before the 26th August

1930' by section 2(1)(iv)(c) of the Tamil Nadu Agriculturists Relief (Amend.) Act, 1972 (Tamil Nadu Act 8 of 1973).], provided that the aggregate annual rental value of such buildings and lands, whether let out or in the occupation of the owner, is not less than [Rs. 1,200] [Substituted for the expression 'Rs. 600' by section 2(1)(iv)(d) of the Tamil Nadu Agriculturists Relief (Amend.) Act, 1972 (Tamil Nadu Act 8 of 1973).]; or(D)[is a landholder of an estate under the [Tamil Nadu] [This proviso was substituted for the original proviso (D) by section 2(iii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).] Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969.] Act I of 1908), or of a share or portion thereof, whether separately registered or not, in respect of which estate, share or portion any sum exceeding five hundred rupees is payable as peshkash, or any sum exceeding one hundred rupees is payable under one or more of the following heads, namely, quit-rent, jodi, kattubadi, poruppu or other due of a like nature, or is a janmi under the Malabar Tenancy Act, 1929 (Tamil Nadu Act XIV of 1930), who is liable as such janmi to pay to the State Government any sum exceeding five hundred rupees as land revenue.]Explanation. - The annual rental value of any building or land for the purposes of proviso (C) shall-(1)where the assessment is based on the annual rental value, be deemed to be such value;(2)where the assessment is based on the capital value, be deemed to be five per cent of the capital value; and(3)in any other case, be deemed to be the value ascertained in the prescribed manner;(iii)['debt' means any liability in cash or kind, whether secured or unsecured, due from an agriculturist whether payable under a decree or order of a civil or revenue court or otherwise, but does not include rent as defined in clause (iv) or 'kanartham' as defined in section 3 of the Malabar Tenancy Act, 1929;] [Substituted for clause (iii) by section 2(2) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] [(iii-a) 'interest' means any amount or other thing paid or payable in excess of the principal sum borrowed or pecuniary obligation incurred, or where anything has been borrowed in kind, in excess of what has been so borrowed, by whatsoever name, such amount or thing may be called and whether the same is paid or payable entirely in cash or entirely in kind or partly in cash and partly in kind and whether the same is expressly mentioned or not in the document or contract, if any;] [Inserted by section 2(iv) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1943 (Tamil Nadu Act XXIII of 1948).] (iv)'rent' means [the rent payable by a cultivating tenant under the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956), or under the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961) or the] [Inserted by section 2(3)(a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] rent as defined by the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act I of 1908) or rent or michavaramas defined by the Malabar Tenancy Act, 1929 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XIV of 1930) or quit-rent, jodi, kattubadi, poruppu or the like, payable to the landholder of an estate as defined by the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]

Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act I of 1908), whether a decree or order of a civil or revenue Court has been obtained therefor or not and includes interest payable thereon, but does not include costs incurred in respect of the recovery thereof through a civil or revenue Court or the share of the land cess recoverable by the landholder [under any law for the time being in force in this State] [Substituted for the expression 'under suction 88 of the Tamil Nadu Local Boards Act, 1920 (Tamil Nadu Act XIV of 1920)' by section 2(3)(b) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973), the words 'Tamil Nadu' having been earlier substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]; [* * *] [Word 'and' was omitted by section 2(v) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).](v)["creditor" includes his heirs, legal representatives and assigns; [This clause was added by of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).](vi)"mortgagee" includes his heirs, legal representatives and assigns.]

4. [Certain debts and liabilities not to be affected. [Substituted for the original section 4 by section 3 of the Tamil Nadu Agriculturists Relief (Amendment) Act 1972 (Tamil Nadu Act 8 of 1973).]

- Nothing in this Act shall affect debts and liabilities of an agriculturist failing under the following heads:-(a)any revenue, tax or cess payable to the State Government or any other sum due to them, by way of loan or otherwise;(b)any revenue, tax or cess payable to the Central Government or any other sum due to them, by way of loan or otherwise;(c)any tax or cess payable to any local authority or any other sum due to them, by way of loan or otherwise;(d)any liability in respect of any sum due to any co-operative society including a land development bank, registered or deemed to be registered under the [Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961)] :Provided that where the liabilities mentioned in this clause arise by reason of an assignment to any such co-operative society, either such assignment has taken place before the 1st March 1972 or is an assignment to such society of a loan granted by another such co-operative society;(e)any liability arising out of breach of trust;(f)any liability in respect of maintenance whether under a decree of Court or otherwise;(g)any liability in respect of wages or remuneration due as salary or otherwise for services rendered;(h)any liability in respect of any sum due to-(A)any public company as defined in the Companies Act, 1956 (Central Act of 1956);(B)any banking company to which the Banking Regulation Act, 1949 (Central Act X of 1949) applies;(C)the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act XXIII of 1955);(D)any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959);(E)any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970); and(F)any company or corporation owned or controlled by the Central Government or any State Government.]

5. Special provision for undivided Hindu families, etc.

- Where an undivided Hindu family other than a marumakkattayam or aliyasantana tarwad or tavazhi is assessed to the taxes specified in provisos (A), (B) and (C) to section 3(ii), or falls within the category of persons specified in proviso (D) to the same section, no person who was a member of the family on the [1st March 1972] [Substituted for the expression '1st October 1937' by section 4 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] shall be deemed to be an agriculturist for the purposes of this Act except section 13.

6. [Heirs] [Substituted for the words 'Sons and descendants' by section 5(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] of non-agriculturist members of Hindu families to be non-agriculturists.

- Where in an undivided Hindu family other than a maru-makkattayam or aliyasantana tarwad or tavazhi which is an "agriculturist" within the meaning of section 3(ii), any member of the family is not an agriculturist, then, notwithstanding anything contained in section 3(ii), [none of his heirs] [Substituted for the words 'none of his sons and descendants in the male line' by section 5(ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] shall be deemed to be an agriculturist for the purposes of sections 7 to 12 and 19 to 27 of this Act.

Chapter III

Scaling Down of Debts and Future Rate of Interest

7. Debts payable by agriculturists to be scaled down.

- Notwithstanding any law, custom, contract or decree of Court to the contrary, all debts payable by an agriculturist [on the 1st March 1972] [Substituted for the expression 'at the commencement of this Act' by section 6 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973)], shall be scaled down in accordance with the provisions of this Chapter. No sum in excess of the amount as scaled down shall be recoverable from him or from any land or interest in land belonging to him; nor shall his property be liable to be attached and sold or proceeded against in any manner in the execution of any decree against him in so far as such decree is for an amount in excess of the sum as scaled down under this Chapter.

8. Provision for debts incurred before [1st March 1972] [Substituted for the expression 'at the commencement of this Act' by section 6 of the Tamil Nadu Agriculturists Relief (Amend.) Act, 1972 (Tamil Nadu Act 8 of 1973).].

- Debts incurred before the [1st March 1972] [Substituted for the expression 'at the commencement of this Act' by section 6 of the Tamil Nadu Agriculturists Relief (Amend.) Act, 1972 (Tamil Nadu Act

8 of 1973)] shall be scaled down in the manner mentioned hereunder, namely:-(1)[* * *] [This clause was omitted by section 7(ii) of the Tamil Nadu Agriculturists Relief (Amend.) Act, 1972 (Tamil Nadu Act 8 of 1973)](2)Where an agriculturist has paid to any creditor twice the amount of the principal, whether by way of principal or interest or both, such debt including the principal, shall be deemed to be wholly discharged.(3)Where the sums repaid by way of principal or interest or both fall short of twice the amount of the principal, such amount only as would make up this shortage, or the principal amount or such portion of the principal amount as is outstanding, whichever is smaller, shall be repayable.(4)Subject to the provisions of sections 22 to 25, nothing contained in subsections [* * *] [The expression '(1)' was omitted by section 7(iii) of the Tamil Nadu Agriculturists Relief (Amend.) Act, 1972 (Tamil Nadu Act 8 of 1973)], (2) and (3) shall be deemed to require the creditor to refund any sum which has been paid to him, or to increase the liability of a debtor to pay any sum in excess of the amount which would have been payable by him if this Act had not been passed.[Explanation I. [The original Explanation was numbered as Explanation 111 and Explanations I and II were inserted by section 4(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).] - In determining the amount repayable by a debtor under this section, every payment made by him shall be credited towards the principal, [notwithstanding that he has expressly stated] in writing that such payment shall be in reduction of interest.][Explanation II. [The original Explanation was numbered as Explanation III and Explanations I and II were inserted by section 4(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).] - Where the principal was borrowed in cash with an agreement to repay it in kind, the debtor shall, notwithstanding such agreement, be entitled to repay the debt in cash, after deducting the value of all payments made by him in kind, at the rate, if any, stipulated in such agreement, or if there is no such stipulation, at the market rate prevailing at the time of each payment.][Explanation III. [The original Explanation was numbered as Explanation HI and Explanations I and II were inserted by section 4(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).] - Where a debt has been renewed or included in a fresh document executed [before, on or after the 1st March 1972], [whether by the same debtor or by his heirs, legal representatives or assigns or by any other person acting on his behalf or in his interest and whether in favour of the same creditor or of any other person acting on his behalf or in his interest), the principal originally advanced together with such sums, if any, as have been subsequently advanced as principal shall alone be treated as the principal sum repayable under this section.] [This Explanation was added by section 2(b) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).][Explanation IV. [This Explanation was added by section 2(b) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).] - Where a debt has been split up, whether [before, on or after the 1st March 1972], among the heirs, legal representatives or assigns of a debtor or of a creditor and fresh documents have been executed in respect of the different portions of such debt, the provisions of this section shall continue to apply in respect of each of the different portions.]

9.

This section was omitted by section 8 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1972).

9A. Special provision in respect of usufructuary mortgages.

(1) This section applies to all mortgages executed at any time before the [1st March 1972] [Substituted for the expression '30th September 1947' by section 9(ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], and by virtue of which the mortgagee is in possession of the property mortgaged to him or any portion thereof—(a) where no rate of interest is stipulated for as due to the mortgagee, or (b) where a rate of interest is stipulated for as due to the mortgagee in respect of the principal amount secured by the mortgage or any portion thereof, in addition to usufruct from the property, or in respect of any other sum payable to the mortgagee by the mortgagor in his capacity as such. Explanation. — A mortgagee shall be deemed to be in possession of the property mortgaged to him or any portion thereof, notwithstanding that he had leased it to the mortgagor or any other person. (2) The mortgagor shall be entitled to redeem the whole of the property mortgaged, notwithstanding that the time, if any, fixed in the mortgage deed for redeeming the mortgage has not arrived. (3) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of less than thirty years, the mortgagor shall not be entitled to redeem the mortgage, unless he pays to the mortgagee—(i) the difference between the principal amount secured by the mortgage and an amount bearing to the principal amount the same proportion as the period during which the mortgagee has been in possession bears to thirty years; (ii) where any interest on the principal amount secured by the mortgage or any portion thereof has been stipulated for, in addition to the usufruct from the property, the arrears of such interest as scaled down under section 8 [* * *] [The expression 'or 9' was omitted by section 9(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] read with section 12, or under section 13, as the case may be; and (iii) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon. (4) Where the mortgagee has been in possession of only a portion of the property mortgaged to him for an aggregate period of less than thirty years, the mortgagor shall not be entitled to redeem the mortgage, unless he pays to the mortgagee—(i) the difference between the portion of the principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee and an amount bearing to that portion of the principal amount the same proportion as the period during which the mortgagee has been in possession bears to thirty years; (ii) where any interest has been stipulated for, in addition to the usufruct from the property, the arrears of interest on the portion of the principal amount referred to in clause (i), such arrears being scaled down under section 8 [* * *] [The expression 'or 9' was omitted by section 9(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] read with section 12 or under section 13, as the case may be; (iii) the balance of the debt as scaled down under section 8 [* * *] [The expression 'or 9' was omitted by section 9(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] read with section 12, or under section 13, as the case may be; and (iv) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon. (5) (a) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of thirty years or more, then, notwithstanding anything contained in sections 8, [* * *] [The expression 'or 9' was omitted by section 9(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], 12 and 13, the mortgage debt shall be deemed to have been wholly discharged with effect from the expiry of the period of thirty years or where such period

expired before the [publication of the, Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973) in the Tamil Nadu Government Gazette with effect from the publication of that Act] [Substituted for the expression 'commencement of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948), with effect from the commencement of that Act' by section 9(iii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973), the words 'Tamil Nadu' having been earlier substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]- (i) if no interest has been stipulated for on the principal amount secured by the mortgage or any portion thereof, in addition to the usufruct from the property; (ii) where such interest has been stipulated for, if no arrears of interest are due from the mortgagor; and (iii) if no other sums or interest thereon are due to the mortgagee by the mortgagor in his capacity as such. (b) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of thirty years or more, then, in cases not governed by clause (a), the mortgagor shall not be entitled to redeem the mortgage unless he pays to the mortgagee- (i) the arrears of interest stipulated for in addition to the usufruct from the property, as scaled down under section 8 [* * *] [The figure '9' was omitted by section 9(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] read with section 12, or under section 13, as the case may be; and (ii) all other sums due to the mortgagee by the mortgagor in his capacity as such and referred to in sub-clause (iii) of clause (a) together with any interest due thereon. (6) Where the mortgagee has been in possession of only a portion of the property mortgaged to him for an aggregate period of thirty years or more, the mortgagor shall not be entitled to redeem the mortgage unless he pays to the mortgagee- (i) where, in addition to the usufruct from the property, any interest has been stipulated for, the arrears of interest on that portion of the principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee, such arrears being scaled down under section 8 [* * *] [The figure '9' was omitted by section 9(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] read with section 12, or under section 13, as the case may be; (ii) the balance of the debt not attributable to such portion of the property as scaled down under section 8 [* * *] [The figure '9' was omitted by section 9(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] read with section 12, or under section 13, as the case may be; and (iii) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon. (7) For the purposes of this section, the portion of the principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee shall be determined in the manner prescribed by rules made under this Act. (8) The mortgagor shall not be entitled to redeem a mortgage under sub-section (2) or obtain possession of the mortgaged property by virtue of sub-section (5)(a), unless he pays to the mortgagee the cost of the improvements, if any, effected by him to the mortgaged property. (9)(a)(i) Except in cases falling under subsection (5)(a), where the mortgaged property or, as the case may be, the portion thereof, in the possession of the mortgagee has been leased back to the mortgagor by the mortgagee, the rent due to the mortgagee under the lease (after deducting from such rent any revenue, tax or cess paid or payable by the mortgagee in respect of the property) shall be deemed to be the interest on the mortgage debt or the portion thereof attributable to the portion of the property aforesaid and the provisions of section 8 [* * *] [The expression 'or 9' was omitted by section 9(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] read with section 12, or

section 13, as the case may be, shall apply to the entire debt.(ii)Nothing contained in sub-section (3) or sub-section (4) shall apply to any debt falling under sub-clause (i).(b)In cases falling under sub-section (5)(a), where the property has been leased back to the mortgagor by the mortgagee, nothing contained in that subsection shall affect the right of the mortgagee to recover any rents due to him under the lease for any period before the date on which the mortgage debt is deemed to have been wholly discharged by virtue of that sub-section, if such rents have not become barred by limitation under any law for the time being in force.(10)[Notwithstanding anything contained in this section,-] [Substituted for the original sub-section by section 9(iv) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).](a)Where, during the period after the 30th January 1948 and before the 1st March 1972, the mortgagee or any of his successors-in-interest has transferred either wholly or in part the mortgagee's right in the property bonafide and for valuable consideration, then, the provisions of sub-sections (1) to (9) shall apply to such mortgage and for purposes of sub-sections (3) to (9), the period during which the last transferee was in possession of the property shall alone be taken into account:Provided that the transferee of a mortgage shall not be entitled to recover in respect of such mortgage, anything more than the value of the consideration for the transfer; but nothing therein contained shall, in cases where the property or portion thereof has been leased back to the mortgagor, affect the right of the transferee to recover the rents, if any, due under the lease, if such rents have not become barred by limitation under any law for the time being in force.(b)Notwithstanding anything contained in clause (a), where the mortgagee's interest in the property subject to the mortgage or any part of such interest belonged to, or devolved on, two or more persons and during the period aforesaid, a partition has taken place among such persons, then, nothing contained in this section, except sub-sections (1) and (2) shall apply to the whole or such part of the interest, as the case may be.(11)Where the equity of redemption in the property subject to the mortgage belonged to, or devolved on, two or more persons and any one of them or any person claiming under any one of them has, during the period referred to in [clause (a) of sub-section (10)] [Substituted for the expression 'sub-section (10), clause (ii)(a)' by section 9(v) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], redeemed the entire mortgage, nothing contained in this section shall affect the rights or the reliefs to which the person redeeming the mortgage might be entitled to under any other law for the time being in force as against the other persons aforesaid.

10. Exceptions.

(1)The provisions of section 8 shall not apply to any person who, though an agriculturist as defined in section 3(ii), did not on the 1st March 1972, hold an interest in, or a lease or sub-lease of, any land as specified in that section.(2)Nothing contained in section 8 shall affect-(i)[any mortgage of the description referred to in sub-section (1) of section 9-A, except to the extent provided for in that section;] [Substituted by section 5 of the Tamil Nadu Act XXIV of 1950 for clause (i) as amended by section 7 of the Tamil Nadu Act XXIII of 1948.](ii)any liability for which a charge is provided under section 55, clause 4, sub-clause (b) of the Transfer of Property Act; [* * *] [Word 'or' was omitted by section 10(ii)(b) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).](iii)Omitted by section 10(ii)(c) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

11. Provision as to costs, etc., in certain cases.

- Where a debt payable by an agriculturist includes any sum decreed as costs by any Court, or sums lawfully expended by a mortgagee or other person in order to preserve the property mortgaged, such sum or sums shall be recoverable in addition to the sum recoverable under the provisions of [section 8] [Substituted for the expression 'sections 8 and 9' by section 11 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).].

12. Rate of interest payable by agriculturists on old loans.

- All debts which have been scaled down under the provisions of this Act shall, so far as any sum remains payable thereunder, carry from the date up to which they have been scaled down interest on the principal amount due on that date at the rate previously applicable under law, custom, contract [or otherwise or at the rate of nine per cent per annum simple interest, whichever is less] [Substituted for the expression 'or otherwise' by section 12(i) of the Tamil Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).].[* * *] [Words 'that is to say, one pie per rupee per mensem simple interest, or one anna per rupee per annum simple interest' occurring in the proviso were omitted by section 2 of, and the Schedule to, the Tamil Nadu Coinage (Alteration of References) Act, 1960 (Tamil Nadu Act 9 of 1960) and subsequently the proviso itself was omitted by section 12(ii) of the Tamil Nadu Act 8 of 1973).]

13. Rate of interest payable by agriculturists on new loans.

- In any proceeding for recovery off debt, the Court shall scale down [all interest whether paid or payable] [Substituted for the expression 'all interest due' by section 13(i)(a) of the Tamil Nadu Agriculturists (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] on any debt incurred by an agriculturist [on or after the 1st March 1972] [Substituted for the expression 'after the commencement of this Act' by section 13(8)(b) of the Tamil Nadu Agriculturists (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], so as not to exceed a sum calculated at [nine per cent per annum] [Substituted for the expression '614 per cent per annum' by section 13(1)(c) of the Tamil Nadu Agriculturists (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], simple interest, [* * *] [Words 'that is to say, one pie per rupee per mensem simple interest, or one anna per rupee pci annum simple interest' were omitted by section 2 of, and the Schedule to, the Tamil Nadu Coinage (Alteration of References) Act, 1960 (Tamil Nadu Act 9 of 1960).]:Provided that the [State] [Substituted for the word 'Provincial' by the adaptation Order of 1950.] Government may, by notification in the Official Gazette, alter and fix any other rate of interest, from time to time.[Explanation I. [Explanations I and II were substituted for the original Explanation by section 13(ii) of me Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] - For the purposes of this section, the definition of 'agriculturist' in section 3(ii) shall be read as if-(i)in proviso (A) to that section as amended by the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973)), for the expression 'the financial years ending on the 31st March 1972, the expression 'the financial years ending on the 31st March immediately preceding the date on which the debt is incurred were substituted; and(ii)in provisos (B) and (C) to that section as amended by the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, for the expression 'the

four half years immediately preceding the 1st March 1972', the expression 'the four half years ending on the 31st March or the 30th September (whichever is later) immediately preceding the date on which the debt is incurred' were substituted. Explanation II. - Where any agriculturist has paid to any creditor any interest at a rate more than the rate specified in this section, the amount of interest so paid shall be calculated by the Court at the rate specified in this section and the excess of the amount so paid shall be credited towards the principal.]

13A. [Rate of interest payable by certain persons on debts. [Inserted by section 9 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu a Act XXIII of 1948)]

- Where a debt is incurred by a person who would be an agriculturist as defined in section 3(ii), but for the operation of proviso (B) or proviso (C) to that section, the rate of interest applicable to the debt shall be the rate applicable to it under the law, custom, contract or decree of Court under which the debt arises or the rate applicable to an agriculturist under section 13, whichever rate is less.]

14. Separation of share of debt in particular cases.

- Notwithstanding anything contained in section 3(ii) and subject to the provisions of sections 5 and 6, where in a Hindu family, whether divided or undivided some of the members liable in respect of a family debt are not agriculturists while others are agriculturists, the creditor shall, notwithstanding any law to the contrary, be entitled to proceed-(a) against the non-agriculturist member or members and his or their share of the family property, to the extent only of his or their proportionate share of the debt; and (b) against the agriculturist member or members and his or their share of the family property, to the extent only of his or their proportionate share of the debt which shall be scaled down in accordance with the provisions of this Act.

Chapter III

Arrears of Rent

15. Conditional discharge of arrears of rent due to landholders, etc.

(1) All rent payable by an agriculturist to a land holder or an under-tenure holder under the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act I of 1908), or to a janmi or intermediary under the Malabar Tenancy Act, 1929 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XIV of 1930), which has accrued for the fasli year 1345 and prior faslis and which is outstanding on the date of the commencement of this Act shall be deemed to be discharged whether the rent be due as such

or whether a decree has been obtained therefor: Provided that where the person liable to pay rent (hereinafter in this section referred to as 'tenant') does not, on or before the 30th September 1939 pay up all arrears of rent accrued in respect of any holding for faslis 1346 and 1347, the arrears of rent for fasli 1345 and prior faslis which were outstanding in respect of the same holding on the date of the commencement of this Act shall be deemed to be discharged only in the same proportion as the rent due for faslis 1346 and 1347 which is paid up by the ryot or tenant bears to the rent due for those two faslis: Provided further that no tenant shall be entitled to the benefit of this section unless he shall have paid in respect of the holding, the rent due for fasli 1347 on or before the 30th September 1938.

Explanation. - In cases governed by the Malabar Tenancy Act, 1929 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XIV of 1930), any reference to a fasli year in this Chapter shall be deemed to be a reference to the agricultural year as defined in the Malabar Tenancy Act, 1929 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XIV of 1930), which contains the greater part of the fasli year.

Illustrations. - (a) A ryot or tenant is in arrears at the commencement of this Act in respect of rent for a particular holding for fasli 1345 and prior faslis in the sum of Rs. 500 and is in arrears on that date in respect of rent for the same holding for faslis 1346 and 1347, the rent for each fasli being Rs. 100. Within the 30th September 1938, he pays the rent for fasli 1347 and within 30th September 1939, he pays the rent for fasli 1346. The arrears of rent of Rs. 500 which were outstanding at the commencement of this Act will be deemed to be discharged. (b) A sum of Rs. 500 representing the arrears of rent in respect of a particular holding for fasli 1345 and prior faslis and the rents for faslis 1346 and 1347 for that holding are in arrears and outstanding at the commencement of this Act, the rent for each fasli being Rs. 100. The ryot or tenant pays the landholder within 30th September 1938 the rent for fasli 1347 but fails to pay within the 30th September 1939 any portion of the rent for fasli 1346. Only a sum of Rs. 250 or one-half of the rent of faslis prior to, and inclusive of, fasli 1345 will be deemed to be discharged. (c) In the same case, the ryot or tenant does not pay the landholder within the 30th September 1938, the whole of the rent for fasli 1347, no portion of the arrears for fasli 1345 and prior faslis is discharged, and the ryot loses the benefit of this section. (d) In the same case, the ryot or tenant pays the landholder within 30th September 1938 the rent for fasli 1347, but pays within 30th September 1939 only Rs. 50 being half the rent for fasli 1346. He has thus paid Rs. 150 out of Rs. 200 being the rent of both the faslis 1346 and 1347, before 30th September 1939. A sum of Rs. 375, or three-fourths of the rent of faslis prior to, and inclusive of, fasli 1345 will be allowed to be discharged. (2) Nothing contained in sub-section (1) shall be deemed to effect a discharge of arrears of rent which accrued due for fasli 1345 if proceedings for the recovery of such arrears stood stayed by an Act of the Legislature or by an order of a Court or if such proceedings, if instituted, would have stood so stayed. But the arrears of rent for fasli 1345 shall not be recoverable until the 30th September 1938 or if the rent for fasli 1347 is paid before that date, until the 30th September 1939. (3) Notwithstanding anything to the contrary in any agreement or in section 64 of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act I of 1908), any payment of rent made by a tenant after the

commencement of this Act shall be credited towards the rent due by him for fasli 1347 in the first instance and for fasli 1346 in the next instance, and not towards the rent due for any previous fasli.(4)Every tenant shall be at liberty to pay into Court any amount towards the rent due or claimed to be due by him for fasli 1347 or 1346 or both and thereupon the Court shall, after notice to the landholder, under tenure-holder, janmi or intermediary, as the case may be, apply the provisions of this Act and determine whether the whole or only a portion of the rent for the faslis aforesaid has been paid by the tenant, and also the extent of the remaining liability, if any, of the tenant for rent under the provisions of this Act.Explanation. - For the purposes of this sub-section, 'Court' shall mean the Collector referred to in section 209 (1) of the Tamil Nadu Estates Land Act, 1908 (Tamil Nadu Act I of 1908), or the Court referred to in section 3(b) of the Malabar Tenancy Act, 1929 (Tamil Nadu Act XIV of 1930), as the case may be.

16. Landholder to be entitled to recover land cess and costs.

- Notwithstanding anything contained in this Chapter, a landholder or an under-tenure holder under the Tamil Nadu Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act I of 1908), or a janmi or intermediary under the Malabar Tenancy Act, 1929 (Tamil Nadu Act XIV of 1930), shall be entitled to recover, in addition to any sum recoverable by him under section 15 -(a)the land cess, if any, paid by him and recoverable under section 88 of the [Tamil Nadu Local Boards Act, 1920 (Tamil Nadu Act XIV of 1920)] [This Act was renamed as the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920) and Subsequently repealed by the Tamil Nadu Panchayat Act, 1994 (Tamil Nadu Act 21 of 1994).];(b)the land revenue and water cess, if any, paid by him to the [State] [Substituted for the word 'Provincial' by the adaptation Order of 1950.] Government which the tenant was bound to pay by virtue of any law, custom, contract or decree of court governing the tenancy; and(c)the costs awarded to him in any decree for rent obtained by him.

17. Extension of limitation for suits, etc., for rent in certain cases.

- Notwithstanding anything contained in the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act I of 1908), or the Malabar Tenancy Act, 1929 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XIV of 1930), or in any law of limitation or procedure in force for the time being no suit or execution proceedings in respect of arrears of rent accrued for fasli 1345 or any prior fasli which, under the existing law, would become barred between the 1st October 1937 and the 30th September 1938, shall be so barred and the landholder, under-tenure holder, janmi or intermediary, as the case may be, shall be entitled to file a suit or institute execution proceedings for recovery thereof, on or before the 31st December 1938; and in cases where the rent due for fasli 1347 has been paid before the 30th September 1938, the period of limitation for any suit or execution proceedings for the

recovery of any arrears of rent which, under the existing law, would become barred between the 1st October 1937 and the 30th September 1939, shall stand extended until the 31st December 1939: Provided that where on the 31st December 1938 or the 31st December 1939, as the case may be, an application under sub-section (4) of section 15 is pending in any Court, the period of limitation prescribed by this section shall stand extended until the expiry of a period of two months from the date of the order on such application.

17A. [Scaling down of interest on arrears of rent. [Inserted by section 2 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1949 (Tamil Nadu Act 7 of 1949).]

- In any suit or proceeding before a civil or revenue Court involving a claim for arrears of rent payable by an agriculturist, including a claim to set off such arrears, whatever be the period to which the arrears relate, the Court shall scale down all interest, if any, due on such arrears so as not to exceed a sum calculated at 5 per cent per annum simple interest, notwithstanding anything to the contrary contained in any contract or custom: Provided that the [State] Government may, by notification in the Official Gazette, alter and fix any other rate of interest, from time to time. Explanation. - For the purposes of this section, the definition of 'agriculturist' in section 3(ii) shall be read as if-(i) in proviso (A) to that section, for the expression 'financial years ending 31st March 1938', the expression 'financial years ending on the 31st March immediately preceding the date of institution of the suit or proceeding' were substituted; and (ii) in provisos (B) and (C) to that section, for the words and figures 'immediately preceding the 1st October 1937', the words and figures 'ending on the 31st March or the 30th September (whichever is later) immediately preceding the date of institution of the suit or proceeding' were substituted.]

Chapter IV

Procedure and Miscellaneous

18. Provision as to costs in certain cases.

(1) Where a decree is passed against an agriculturist in a suit filed on or after the [1st March 1972] [Substituted for the expression '1st October 1937' by section 14(i)(a) of the Tamil Nadu Agriculturist Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], the Court shall allow only such costs as would have been allowable if the suit had been filed for the amount of the debt as scaled down in accordance with the provisions of this Act, and where in any such case a decree has been passed before the [publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973), in the Tamil Nadu Government Gazette] [Substituted for the expression 'commencement of this Act' by section 14(i)(b) of the Tamil Nadu Agriculturist Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], the Court shall, on application by the agriculturist, amend the decree accordingly. (2) [Nothing in sub-section (1) shall apply to any suit instituted on or after the 1st March 1972 and before the date of the publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973), in the Tamil Nadu Government Gazette in

respect of a claim which would be barred by limitation before the date of such publication.]
[Sub-section (2) was substituted by section 14(ii) of the Tamil Nadu Agriculturist Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).]

19. Amendment of certain decrees.

- [(1)] [Section 19 was renumbered as sub-section (1) of section 19 and sub-section (2) was added to that section by section 10 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).] Where before the [publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973), in the Tamil Nadu Government Gazette] [Substituted for the expression 'commencement of this Act' by section 15(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], a Court has passed a decree for the repayment of a debt, it shall, on the application of any judgment-debtor who is an agriculturist or in respect of a Hindu joint family debt, on the application of any member of the family whether or not he is the judgment-debtor or on the application of the decree-holder, apply the provisions of this Act to such decree and shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central Act V of 1908), amend the decree accordingly or enter satisfaction, as the case may be: Provided that all payments made or amounts recovered, whether before or after the [publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973), in the Tamil Nadu Government Gazette] [Substituted for the word 'commencement' by section 15(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], in respect of any such decree shall first be applied in payment of all costs as originally decreed to the creditor. (2) [The provisions of sub-section (1) shall also apply to cases where, after the [publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973), in the Tamil Nadu Government Gazette] [Section 19 was renumbered as sub-section (1) of section 19 and sub-section (2) was added to that section by section 10 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).], a Court has passed a decree for the repayment of a debt payable at such [publication.]] [Substituted for the word 'commencement' by section 15(ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).]

19A. [Application for the determination of the amount of debt due. [Inserted by section 2 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1943 (Tamil Nadu Act XV of 1943), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).]

(1)[Where any debt incurred before the 1st March 1972, other than a decree debt, is due, by any person who claims that he was an agriculturist on that date], the debtor or the creditor may apply to the Court having jurisdiction for a declaration of the amount if the debt is due by the debtor on the date of the application: Provided that no such application shall be presented or be maintainable if a suit for the recovery of the debt is pending. Explanation. - The Court having jurisdiction under this section shall be the Court which would have jurisdiction to entertain a suit for the recovery' of the

debt as unsealed.(2)The provisions of sub-section (1) shall apply also to any person claiming to be such an agriculturist, who contends that any such debt due by him has been discharged.(3)All persons who would have been necessary parties to a suit for the recovery of the debt shall be impleaded as parties to the application under sub-section (1) or under that sub-section read with sub-section (2).(4)(a)When any such application is made, the Court shall first decide whether the debtor was such an agriculturist or not, and if it finds that he was such an agriculturist, pass an order declaring the amount due by him or declaring that the debt has been discharged, as the case may be.(b)The Court shall dismiss the application if it finds that the debtor was not such an agriculturist.(5)At any time after passing an order under clause (a) of sub-section (4), the Court shall on payment by the creditor of the Court-fee payable on a suit for the amount declared due to him, grant a decree to the creditor for such amount:Provided that the creditor may on his application be granted a decree for an amount less than that declared due to him on paying the appropriate court-fee.(6)The Court may order that the Court-fee, if any, paid by the creditor under sub-section (5) shall be paid by the debtor in addition to the amount decreed.(7)If the debtor pays into the Court the amount declared to be due under clause (a) of sub-section (4) or the amount of the decree granted under sub-section (5) together with the costs, if any, ordered to be paid under sub-section (6) the Court shall grant to the debtor a certificate that the debt has been discharged.(8)The procedure laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the trial of suits shall as far as may be, apply to applications under this section.(9)No Court shall entertain a suit by the creditor for the recovery of a debt-(i)if an application has been made under sub-section (1) in respect of such debt to a Court having jurisdiction and is pending in such Court; or(ii)if a Court having jurisdiction has passed an order under clause (a) of sub-section (4) in respect of; such debt.(10)In computing the period of limitation prescribed for a suit by the creditor for the recovery of a debt, the time, if any, during which the Court was prevented from entertaining the suit by virtue of the provision contained in clause (i) of sub-section (9) shall be excluded.]

20. Stay of execution proceedings.

- Every Court executing a decree passed against a person entitled to the benefits of this Act, shall on application, stay the proceedings until the Court which passed the decree has passed orders on an application made or to be made under section 19:Provided that where, within 60 days after the application for stay has been granted, the judgment-debtor does not apply to the Court which passed the decree for relief under section 19 or where an application has been so made and is rejected, the decree shall be executed as it stands, notwithstanding anything contained in this Act to the contrary.Explanation. - The expression "the Court which passed the decree" shall have the same meaning as in the Code of Civil Procedure, 1908 (Central Act V of 1908).

21. Adjudications in insolvency.

- [(1) Nothing contained in this Act shall apply to the debts payable by any person who has been adjudicated an insolvent, if prior to the [publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, in the Tamil Nadu Government Gazette] [The first sentence of original section 21 was re-numbered as sub-section (1) of section 21 and sub-sections (2) and (3) were substituted for the second sentence by section 11 of the Tamil Nadu Agriculturists Relief

(Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).], a dividend has been declared out of his assets.(2)If a dividend has not been so declared, the Court shall, on application made by the insolvent debtor, the Official Assignee or Official Receiver in whom the property of such debtor has vested, or any other person interested, apply the provisions of this Act to the debts payable by the insolvent debtor if he would have been an agriculturist within the meaning of this Act but for his adjudication in insolvency.(3)If the application aforesaid is not made by the Official Assignee or Official Receiver, he shall be impleaded as a party thereto.]

22. Special provision in the case of certain sales of movable property.

- Where, in execution of any decree, any movable property of an agriculturist has been sold on or after the [1st March 1972] [Substituted for the expression '1st October 1937' by section 18(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).], any judgment-debtor may apply to the Court for an order that the provisions of [sections 8, 9, 11 and 12] [Substituted for the expression 'section 8 or 9, as the case may be, and of sections 11 and 12' by section 18(ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] be applied to the decree, and the movable Court, shall, if satisfied that the applicant is an agriculturist entitled to the benefits of those sections, apply the same and order the decree-holder to refund any sum received by him on or after the [1st March 1972] [Substituted for the expression '1st October 1937' by section 18(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] in excess of the amount to which he would have been entitled if the property had not been sold:Provided that no such order shall be made without notice to the decree-holder and without affording him an opportunity to be heard in the matter.

23. Sales of immovable property to be set aside in certain cases.

- Where in execution of any decree any immovable property, in which an agriculturist had an interest, has been sold or foreclosed on or after the 1st October 1937, then notwithstanding anything contained in the [Indian Limitation Act, 1908 (Central Act IX of 1908)] [This Act was repealed and re-enacted as the Limitation Act, 1963 (Central Act 36 of 1963).], or in the Code of Civil Procedure, 1908 (Central Act V of 1908), and notwithstanding that the sale has been confirmed, any judgment-debtor, claiming Act to be an agriculturist entitled to the benefits of this Act, may apply to the Court within 90 days of the commencement of this Act to set aside the sale or foreclosure of the property, and the Court shall, if satisfied that the applicant is an agriculturist entitled to the benefits of this Act, order the sale or foreclosure to be set aside, and thereupon the sale [or foreclosure] [Inserted by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).] shall be deemed not to have taken place at all:Provided that no such order shall be made without notice to the decree-holder, the auction purchaser, and other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter.

23A. [Power of Court to set aside sales of immovable property in certain cases. [Inserted by section 12 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).]

- Where in execution of any decree, any immovable property, in which any person entitled to the benefits of the [Tamil Nadu] Agriculturists Relief (Amendment) Act, 1948 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XXIII of 1948), had an interest, has been sold or foreclosed on or after the 30th September 1947, and the sale has not been confirmed before the commencement of the said Act, or ninety days have not elapsed from the confirmation of the sale or from the foreclosure, at such commencement, then, notwithstanding anything contained in the [Indian Limitation Act, 1908 (Central Act IX of 1908)] [This Act was repealed and re-enacted as the Limitation Act, 1963 (Central Act 36 of 1963).], or in the Code of Civil Procedure, 1908 (Central Act V of 1908), and notwithstanding that the sale has been confirmed, any judgment-debtor claiming to be entitled to the benefits of the said Act, may apply to the Court within ninety days of such commencement or of the confirmation of the sale, whichever is later, to set aside the sale or foreclosure of the property, and the Court shall, if satisfied that the applicant is a person entitled to the benefits of the said Act, order the sale or foreclosure to be set aside, and thereupon the sale or foreclosure shall be deemed not to have taken place at all: Provided that no such order shall be made without notice to the decree-holder, the auction purchaser and other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter.]

23B. [Modifications in the application of section 23-A to certain cases. [Inserted by section 6 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1950 (Tamil Nadu Act XXIV of 1950).]

- The provisions of section 23-A shall apply to a judgment-debtor claiming to be entitled to Act the benefits of the [Tamil Nadu] Agriculturists Relief (Amendment) Act, 1950 (Tamil Nadu Act XXIV of 1950), subject to the modification that for the reference to the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948), a reference to the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Agriculturists Relief (Amendment) Act, 1950 (Tamil Nadu Act XXIV of 1950), and for the reference to the 30th September 1947, a reference to the 25th April 1950 shall be substituted.]

23C. [Power of Court to set aside sales of immovable property in certain cases. [Inserted by section 19 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).]

- Where in execution of any decree, any immovable property in which any person entitled to the benefits of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973), had an interest, has been sold or foreclosed on or after the 1st March 1972, and the sale has not been confirmed before the publication of the said Act in the Tamil Nadu Government Gazette, or ninety days have not elapsed from the confirmation of the sale or from the foreclosure, at such publication,

then, notwithstanding anything contained in the Limitation Act, 1963 (Central Act 36 of 1963), or in the Code of Civil Procedure, 1908 (Central Act V of 1908), and notwithstanding that the sale has been confirmed, any judgment-debtor claiming to be entitled to the benefits of the said Act, may apply to the Court within ninety days of such publication or of the confirmation of the sale, whichever is later, to set aside the sale or foreclosure of the property, and the Court shall, if satisfied that the applicant is a person entitled to the benefits of the said Act, order the sale or foreclosure to be set aside, and thereupon the sale or foreclosure shall be deemed not to have taken place at all: Provided that no such order shall be made without notice to the decree-holder, the auction purchaser, and other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter.]

24. Consequential provision on setting aside of sale.

- [Where a sale is set aside under [section 23, section 23-A] [Substituted for 'where a sale is set aside under the preceding section' by Tamil Nadu Act XXIII of 1948).] [section 23-B or section 23-C] [Substituted for the expression 'or section 23-B' by Tamil Nadu Act 8 of 1973.]], a purchaser shall be entitled to an order for repayment of any purchase money paid by him against the person to whom it has been paid: Provided that no poundage shall be payable in respect of any such sale and provided further that where poundage has been collected, the Court shall direct the same to be refunded.

24A. [Power of Court to reject certain claims. [Inserted by the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).]

- If in any suit or proceeding for the recovery of a debt, the Court is satisfied that the claim therein is made in evasion of the provisions of this Act and that the document upon which the claim is based, although purporting to be executed by a different debtor or in favour of a different creditor, was in fact in renewal or part renewal of a prior debt to which the provisions of this Act would have applied, the Court shall disallow the costs: Provided that where in any such suit or proceeding two or more distinct claims are made, the provisions of this section shall apply separately in respect of each such claim.]

25. Alienations by debtor.

- All alienations of immovable property made by an agriculturist debtor on or after the [1st March 1972] [Substituted for the expression '1st October 1937' by section 21 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] by debtor shall be invalid as against every creditor whose sale in execution or foreclosure decree has been set aside under section 23 or who became entitled to rateable distribution of the proceeds of such sale under section 73 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

25A. [Appeals. [Inserted by section 3 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1943 (Tamil Nadu Act XV of 1943), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948). This should be deemed to have come into operation on the 27th October 1939.]

(1)An appeal shall lie from any of the Appeals, following orders passed by a Court under this Act, as if such order related to the execution, discharge or satisfaction of a decree within the meaning of section 47 of the Code of Civil Procedure, 1908 (Central Act V of 1908):-
 (a)An order under sub-section (1) of section 18 amending or refusing to amend a decree;
 (b)An order under section 19 amending or refusing to amend a decree or entering or refusing to enter satisfaction in respect of a decree;
 (c)An order under clause (a) of sub-section (4) of section 19-A declaring the amount due to the creditor or declaring the debt to have been discharged;
 (cc)[An order under clause (b) of sub-section (4) of section 19-A dismissing the application on the ground that the debtor was not an agriculturist;]
 (d)An order under section 22 directing or refusing to direct the refund of any excess realized in execution of a decree;
 (e)An order under [section 23, section 23-A [(section 23-B or section 23-C)] [These words, figures and letters were substituted by section 8 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1950 (Tamil Nadu Act XXIV of 1950) for the xvords, figures and letter 'section 23 or section 23-A', the words 'or section 23-A' having been inserted by Tamil Nadu Act XXIII of 1948, section 15(ii).] setting aside or refusing to set aside any sale or foreclosure of immovable property;
 (f)An order under section 24 directing or refusing to direct the repayment of any purchase money realized in execution of a decree.
 (2)From any order passed on an appeal presented to it under the provisions of sub-section (1) by a Court subordinate to the High Court, an appeal shall lie to the High Court on any of the grounds mentioned in sub-section (1) of section 100 of the Code of Civil Procedure, 1908 (Central Act V of 1908).]

26. District Collector to furnish information as to certain facts.

- Any creditor may apply to the Collector of the district in which the creditor believes his debtor to have been, or to be, assessed to income-tax in terms of proviso (A) to section 3(ii) or to profession, property or house tax under the [Cantonments Act, 1924] [This Act was repealed and re-enacted as the Cantonment Act 2000.], in terms of provisos (B) and (C) to that section, for information as to the above facts and the Collector shall thereupon ascertain such information and grant to such creditor a memorandum in the prescribed form as to whether the debtor has been so assessed to income-tax or to profession, property or house tax. Such memorandum shall be received in every Court as evidence of the facts stated therein.

27. Executive authorities of local bodies to furnish information as to certain facts.

- Any creditor may apply to the [executive authority of a municipality, panchayat, panchayat union or township or the Revenue Officer or Commissioner of the Municipal Corporation of Chennai or of Madurai] [Substituted for the words 'executive authority of a municipality, the president of a local

board or the Revenue Officer of the Corporation of Madras' by section 23(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] for information as to whether his debtor was or is assessed to profession, property or house tax in terms of provisos (B) and (C) to section 3(ii), and the executive authority [or Revenue Officer or Commissioner] [Substituted for the words 'president or Revenue Officer' by section 23(ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] shall thereupon grant to such creditor, a certificate in the prescribed form as to whether the debtor named in the application has been so assessed to profession, property, or house tax. Such certificate shall be received in every Court as evidence of the facts stated therein.

28. Power to make rules.

(1)The [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may make rules for carrying into effect the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may make rules-(a)in regard to any matter, which is required to be prescribed by this Act;(b)prescribing the form of, and the fees to be paid in respect of, applications under this Act; [* * *] [Word 'and' was omitted by section 24(i)(a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).](c)Omitted by section 24(i)(b) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).(3)[(a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(b)All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.(4)Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of [the Legislative Assembly] [Sub-sections (3) and (4) were substituted for the original sub-section (3) by section 24(ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).] and if, before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by the Tamil Nadu Adaptation of Lam Order, 1987.] in making any modification in any such rule or notification or [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by the Tamil Nadu Adaptation of Lam Order, 1987.] that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.]Tamil Nadu Agriculturists Relief (Amendment) Act, 1949[Tamil Nadu Act V of 1949]Received the assent of the Governor-General on the 15th March 1949 and published in the Fort St. George Gazette, dated the 22nd March 1949.An Act further to amend the Tamil Nadu Agriculturists Relief Act, 1938. Whereas it is expedient to amend the Tamil Nadu Agriculturists Relief Act, 1938 (Tamil Nadu Act IV of 1938), for the purpose hereinafter appearing. It is hereby enacted as follows:-

1. Short title. - (1) This Act may be called the Tamil Nadu Agriculturists Relief (Amendment) Act, 1949.

2. Section 2 was repealed by Tamil Nadu Act XXXVI of 1955. In so far as this Act applies to the added territories, this section was repealed by section 12 of, and the Third Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962).

3. Amendment made by section 2 to have retrospective effect. - The amendment made by this Act shall apply to-

(i)all suits and proceedings instituted before the commencement of this Act;(ii)all suits and proceedings instituted before the commencement of this Act, in which no decree or order has been passed, or in which the decree or order passed has not become final, before such commencement; and(iii)all suits and proceedings in which the decree or order passed has not been executed or satisfied in full before the commencement of this Act:Provided that no creditor shall be required to refund any sum which has been paid to or realised by him, before the commencement of this Act.Tamil Nadu Agriculturists Relief (Amendment) Act, 1950[Tamil Nadu Act XXIV of 1950]Received the assent of the Governor-General on the 13th April 1949 and first published in the Fort. St. George Gazette on the 26th April 1949.An Act further to amend the Tamil Nadu Agriculturists Relief Act, 1938.Whereas it is expedient further to amend the Tamil Nadu Agriculturists Relief Act, 1938 (Tamil Nadu Act IV of 1938), for the purpose hereinafter appearing. It is hereby enacted as follows:-

1. Short title. - (1) This Act may be called the Tamil Nadu Agriculturists Relief (Amendment) Act, 1950.

2. to 8. Repealed by Tamil Nadu Act XXXVI of 1955.

9. Amendments to have retrospective effect in certain cases. - The amendments made by this Act shall apply to-

(i)all suits and proceedings instituted after the commencement of this Act;(ii)all suits and proceedings instituted before the commencement of this Act in which no decree or order has been passed, or in which the decree or order passed has not become final, before such commencement;(iii)all suits and proceedings in which the decree or order passed has not been executed or satisfied in full before the commencement of this Act:Provided that no creditor shall be required to refund any sum which has been paid to or realised by him, before the commencement of this Act.Tamil Nadu Agriculturists Relief (Amendment) Act, 1972[Tamil Nadu Act 8 of 1973]Received the assent of the President on the 19th January 1973, and published in the Tamil Nadu Government Gazette Extraordinary on the 24th January 1973.An Act further to amend the Tamil Nadu Agriculturists Relief Act, 1938 and to extend that Act to the transferred territory in the

State of Tamil Nadu. Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-third Year of the Republic of India as follows:-

1. Short title. - This Act may be called the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972.

2.

-24. The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Agriculturists Relief Act, 1938 (Tamil Nadu Act IV of 1938).]

25. Extension of principal Act to the transferred territory, repeal and savings.

- (1) The principal Act as in force immediately before the date of the publication of this Act in the State of Tamil Nadu except in the transferred territory and as amended by this Act is hereby extended to, and shall be in force in, the transferred territory.

(2) If, immediately before the date of the publication of this Act, there is in force in the transferred territory any law corresponding to the principal Act, such corresponding law shall stand repealed on such date. (3) The repeal by sub-section (2) of any law corresponding to the principal Act in force in the transferred territory immediately before the date of the publication of this Act shall not affect-(a) the previous operation of any such law or anything duly done or suffered thereunder; or (b) any right, privilege, obligation or liability acquired, accrued or incurred under any such law; or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law; or (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed. (4) Subject to the provisions of sub-section (3), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or form framed, certificate granted or registration effected under any such corresponding law shall be deemed to have been done or taken under the corresponding provision of the principal Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the principal Act. (5) For the purpose of facilitating the application of the principal Act in the transferred territory, any Court or other authority may construe the principal Act with such alteration not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or other authority. (6) Any reference in the principal Act to a law which is not in force in the transferred territory shall, in relation to those territories, be construed as a reference to the corresponding law, if any, in force in those territories. (7) Any reference in any law which continues to be in force in the transferred territory after the date of the publication of this Act to any law repealed by subsection (2) shall, in relation to those territories, be construed as a reference to the principal Act. Explanation. - For the purpose of this section, the expression "transferred territory" shall mean the Kanyakumari District and the Shencottah taluk of the Tirunelveli district.