

# The Bengal Indigo Contracts Act, 1836

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### Act 10 of 1836

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The Bengal Indigo Contracts Act, 1836Act 10 of 1836[Dated 11th April, 1836]

#### 1.

[\* \* \* \*] [Section 1 Repealed by Act 14 of 1870.]

#### 2. Security to be given by person desiring to remove indigo-plant ordered to be delivered to him.

- [\* \* \*] [Formal words in Section 2 and 3 repealed by Act 16 of 1874.] Whenever the right to indigo-plant may be contested and an order shall be passed under the provisions of clause Ninth, Section 3, Regulation 6,1823, of the Bengal Code, for the delivery of indigo-plant to one of the parties claiming the same, such party shall not be allowed to cut or remove the indigo-plant until he shall have given sufficient security to the satisfaction of the Court trying the case to make good any claim that shall be ultimately established to such indigo-plant, whether arising from a prior right to the produce of the land, or from an arrear of rent due on account of the specific parcel of land from which the plant may have been produced.

#### 3. Right of suit of person making advances for cultivation or delivery of indigo-plant where breach of contract is induced by third person.

- [\* \* \*] [Formal words in Section 2 and 3 repealed by Act 16 of 1874.] When a lawful contract shall have been made between a raiyat and another party, by which contract the raiyat shall have bound himself to cultivate indigo-plant for the other party, or to deliver indigo-plant to the other party, and when the other party shall have advanced money to the raiyat for the purpose of enabling the raiyat to fulfil such contract, then if any other person, knowing that such contract exists and that such advance has been made, shall prevail upon the raiyat to break such contract, the party who made the advance shall be entitled to proceed by civil action against the person who shall have so prevailed on

the raiyat, as well as against the raiyat, and to recover from him or them, jointly or severally, damages to the extent of the injury sustained, together with costs of suit: Bar of suit for act done to recover debt or secure performance of lawful contract. - Provided always that nothing in this Section contained shall be construed to give a right of action against any person in consequence of any act which that person may have done for the purpose of procuring payment of a debt or performance of a lawful contract.

#### **4. Power to examine both plaintiff and defendant in suit, and to award compensation to successful defendant.**

- [\* \* \*] [Formal words in Section 4 repealed by Act 16 of 1874] The Court trying any suit instituted under the provisions of Regulation 6, 1823, of the Bengal Code, or under the provisions of this Act shall be authorised to examine both the plaintiff and the defendant whenever the Court shall deem such examination necessary to the ends of justice; and, if the award be in favour of the defendant, to assign to the defendant a sum which may be a compensation to him for the expense and loss of time occasioned by the proceeding. [\* \* \* \* \*] [Section 5 repealed by Act 8 of 1868.]