

# The Tripura Agricultural Debtors Relief Rules, 1976

TRIPURA

India

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### Rule

## THE-TRIPURA-AGRICULTURAL-DEBTORS-RELIEF-RULES-1976 of 1976

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The Tripura Agricultural Debtors Relief Rules, 1976 Published vide Notification No. F 106 (1)-Revenue/74-dated 27-2-1976 Last Updated 18th February, 2020 Published in the Tripura Gazette, Extraordinary Part V, No. 54-D, dated 1-3-1976. Notification No. F 106 (1)-Rev/74-dated 27-2-1976. In exercise of the powers conferred by Section 29 of the Tripura Agricultural Debtors Relief Act, 1975 (Tripura Act No. 1 of 1976), the Governor of Tripura hereby makes the following rules, namely:

### 1. Short title and commencement.

(1) These rules may be called the Tripura Agricultural Debtors Relief Rules, 1976. (2) They will come into force on and from the date of their publication in the Official Gazette.

### 2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Tripura Agricultural Debtors Relief Act, 1975; (b) "Form" means a Form appended to these rules; (c) "Code" means the Code of Civil Procedure, 1908; (d) "Section" means the section of the Act; (e) "Tribunal" means a Tribunal as may be established by the State Government under Section 5 of the Act; (f) words and expressions used in these rules but not defined shall have the meaning assigned to them in the Act.

### 3. Manner of making application and form of notice.

(1) The application for settlement of debt under sub-section (1) of Section 6 of the Act shall be made within the [sixteenth day of September, 1977] [Substituted for the words 'period of six months', vide Notification No. F. 106 (1)-Rev/76, dated 17-9-1976, published in the Tripura Gazette,

Extraordinary, dated 27-9-1976.] from the date of commencement of these rules.(2)All applications under sub-section (1) of Section 6 of the Act shall be in Forms 1 and 2 and applications under the sub-section (1) of Section 8 of the Act shall be in Form 3. They shall be [in writing] [Substituted for the words 'written in ink', vide Notification No. F. 106 (I)-Rev/76, dated 17-9-1976, published in the Tripura Gazette, Extraordinary, dated 27-9-1976.] and duly signed and shall be presented to the Tribunal during the office hours by the applicants personally or by their authorised agent and shall be received by the Tribunal or by such person as may be authorised by it to receive them.(3)The notice as required to be given under Section 11 of the Act upon the debtors or the creditor shall be in Form 4 and the notice required to be given under Section 8 of the Act upon the debtor or the creditor shall be in Form 5. Every notice shall be accompanied by a copy of the application to be furnished by the applicant.

#### **4. Form of statement under Section 11.**

- The statement which a debtor or creditor is required to submit under Section 11 shall be in Form 6 or 7 as the case may be.

#### **5. Mode of serving notice.**

(1)Every notice under the Act may be served either tendering or delivering a copy thereof to the person on whom it is to be served, or his authorised agent or any adult male member of his family usually residing with him.(2)If service of notice cannot be effected as above, or if acceptance of service no made is refused, the notice may be served by pasting a copy thereof on the door of the usual or last known place or residence of the person to whom it is addressed or by publication in a local newspaper.(3)When a notice be pasted on the door of a place of residence under sub-rule (2) the acknowledgement of this having been so pasted shall be taken from two responsible neighbours.(4)In addition to the notice stated above, the Tribunal shall affix copies of notice in the manner stated in Clause (b) of Section 11 of the Act.

#### **6. Marking of documents by the Tribunal.**

- There shall be endorsed on every document which has been admitted in evidence in proceeding the following particulars, namely-(a)the number and title of the proceeding;(b)the name of the person producing the document;(c)the date on which it has been produced, and the endorsement shall be signed or initialled by the Presiding Officer of the Tribunal. The documents which are produced on the debtor's side shall be marked as D, D-1, D-2, and so on and the documents which are produced on the creditor's side shall be marked as C, C-1, C-2, and so on.

#### **7. Manner of recording evidence.**

- The evidence of each witness shall be taken down in writing by the Presiding Officer in the form of a narrative, and, when completed, shall be read over in the presence of the Presiding Officer and all the witnesses, and the Presiding Officer shall, if necessary, correct the same, and shall sign, it.

## **8. Provision for appearance.**

- A person may himself or through his authorised representative, appear and act before a Tribunal, District Collector or Revenue Commissioner.

## **9. Procedure to be followed in the matter of disposal of appeals and revision under the Act.**

(1) Every appeal shall be preferred in the form of a memorandum and presented to the District Collector concerned during the office hours by the appellant or his duly authorised agent and shall be received by the District Collector or by such person as may be authorised by him to receive the same. (2) Every application for revision shall be similarly presented to the Revenue Commissioner. (3) Every memorandum shall be accompanied by a copy of the order appealed from or objected to unless the authority to which the memorandum is presented dispensed with its production. (4) Every memorandum of appeal or application for revision shall state-(a) the name and address of the appellant or applicant; (b) the name and address of every person who is proposed to be made respondent or opposite party; (c) the Tribunal or the District Collector, as the case may be, in which and the name of the officer by whom the order appealed from or objected to was passed; (d) particulars of the case in the Tribunal or appellate court, as the case may be; (e) the nature of the order against which the appeal is preferred or revision if filed; (f) the date when such order was passed; (g) provision of the Act or rule under which the appeal or revision is filed; (h) the ground or grounds of appeal or revision shall be numbered seriatim, and shall set forth concisely and under distinct heads the objections to the order against which the appeal or revision is filed; (i) in case of appeal, its value. (5) The District Collector or the Revenue Commissioner may either admit or summarily reject the appeal or application for revision : Provided that no order of rejection shall be passed without allowing the appellant or applicant, as the case may be, an opportunity of being heard. (6) If the District Collector or the Revenue Commissioner admits the appeal or revision he may reverse, vary or confirm the order appealed from or may direct such further investigation in this connection to be made, or such additional evidence to be taken as he may think necessary, or he may himself take such additional evidence. (7) Where a memorandum of appeal is admitted, the District Collector or proper officer of the appellate court shall endorse thereon the date of presentation, and shall register the appeal in the Registrar of Appeals. (8) Where an application for revision is filed, the Revenue Commissioner, or any other officer duly authorised by him in this behalf shall endorse therein the date of presentation, and shall register the application for revision in the Register of Applications for Revision.

## **10. Power to suspend execution of orders of Tribunal or District Collector.**

- Where an appeal is admitted or application for revision is filed, the District Collector or the Revenue Commissioner in which such appeal or application is made, may, for sufficient cause, direct the execution of the order of the Tribunal or District Collector, as the case may be, be stayed pending the disposal of the appeal, or as the case may be, of the revision application.

## 11. judgement.

(1)It shall not be necessary for the Revenue Commissioner when confirming an order of a Tribunal or District Collector to do more than recording an order dismissing an application for revision and confirming the order of the Tribunal or District Collector.(2)In all other cases the Tribunal or District Collector deciding the applications under Section 6 or under Section 8 of the Act or the appeal shall record a judgement. The judgement shall contain a concise statement of the case, the point for determination, the decision thereon, and the reasons for such decision. The judgement shall be dated and signed by the Presiding Officer.

## 12. Orders to be in writing.

- All orders made or passed by courts in relating to any proceeding under the Act or these rules shall be in writing, dated and signed by the Presiding Officer of the Court.

## 13. Procedure in Code to be followed generally.

- In respect of any matter for which no provision is made in the Act or these rules, the procedure laid down in the Code shall, so far as may be, be followed by the Tribunal, District Collector or Revenue Commissioner in the proceeding or inquiry before it.

## 14. Registers.

(1)The Tribunal shall maintain the following registers, namely:(a)Register of Application for Settlement of Debts in Form 8;(b)Register of Applications for Recording Settlement of Debts in Form 9.(2)The District Collector shall maintain a Register of Appeals in Form 10.(3)Revenue Commissioner shall maintain a Register of Applications for Revision in Form 11.

## 15. Fees.

- Every application under Section 6 and Section 8 of the Act shall be affixed with a Court fee stamp of rupees two and every memorandum of appeal and revision under the Act shall be affixed with a Court fee stamp of rupees three.  
Form 1[See Rule 3 (2)]Case No. ....Form of application by debtor for settlement of debts under sub-section (1) of Section 6 of the ActToThe Tribunal of.....(Under sub-section (1) of Section 6 of the Tripura Agricultural Debtors Relief Act, 1975)I, ..... son of ..... resident of ..... aged ..... years, doing business as ..... hereby apply for the settlement of my debts under the said Act.

## 2. The amount and particulars of all debts due from me are as follows:

Sl. No. of debt	Full name, residence and full address of the creditor	Amount of debt
Principal	Interest	

		Total claimed by the creditor	Amount if any admitted by the debtor
1	2	3	
Each debt with particulars of the original principal and rate of interest chargeable and document in support thereof		Particulars of debts for which the debtor is liable as surety, joint surety of joint debtor	Remarks
Amount of debt		Nature of liability	Full names and addresses of the debtors, joint sureties or joint debtors
4		5	6 7 8

### 3. The particulars of my property including claims due to me are as follows:

(a) Immovable property (including property situated outside the State of Tripura)

Specification of the property with boundaries where necessary	Name of the village with Survey Nos. Survey Area in Government Nos.	Nature of right	Annual income derived	
Assessment	Acres			
1	2	3	4	
Market value	Details of any attachment, mortgage, lien, or charge, subsisting thereon	Full name and addresses of the co-shares of the debtor, if any		Remarks
5	6	7		8

(b) Movable property (including cash)

Serial No.	Description	Estimated value	Place where it may be found	Details of any pledge, charge or lien thereon	Remarks
1	2	3	4	5	6

(c) Claim due

Full name and address of the person from whom the claim is due	Amount due	Particulars of the claims including date of commencement, rate of interest, whether secured and if so how, etc.	Nature of the documents evidencing the claims and in whose possession	Remarks
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Principal	Interest			
1	2	3	4	5

#### 4. Particulars of suits or proceeding in Civil Court

Civil Court	Case No. with year	Amount of Claim	Name of creditors filing the suit with address in full	Full name and address of the debtors, joint debtors against whom the suit is filed
Principal	Interest			
1	2	3	4	5

#### 5. Particulars of property of the nature mentioned in Paragraph 3 transferred or encumbered are as follows :

Description of property	Nature of transfer or encumbrance	To whom transferred or mortgaged etc. (full name and address of such person)	Date of transfer or encumbrance	Remarks
1	2	3	4	5

I hereby declare that all debts which are due, or which to my knowledge any person claims to be due from me and all my properties have been included in the above statements. Date the 19..... Signature of the Applicant Verified that the contents of paragraphs..... of the application, are true upon the personal knowledge of, and those in paragraphs..... upon information received and believed to be true by the undersigned. Date 19.... Signature of the Applicant The date when the debt was first incurred, the amount of the original principal, the approximate dates and conditions on which the bond was renewed or the additional loan taken, the rate of interest stipulated in each bond, the amount paid from time to time and any other facts. Form 2 [See Rule 3 (2)] To The Tribunal of..... (Under sub-section (1) of Section 6 of the Tripura Agricultural Debtors Relief Act, 1975) I, ..... son of ..... resident of ..... Taluk ..... age ..... hereby apply for the adjustment of claims against who is my debtor.

#### 2. The particular of claims are as follows:

Name and full address of the debtor	Amount of debt claimed	Whether secured and if so how	Each debt, with particulars of the original principal and rate of interest charged and document in support thereof	Names and addresses of other creditors so far as they are known to the applicant	Remarks
Principal	Interest				
1	2	3	4	5	6

### 3. The particulars of the debtor's property so far as they are known to me are as follows:

(a) immovable property

Description	Area of extent of share	Assessment Value	Particulars of any mortgage, loan or charge	Remarks
1	2	3	4	5

(b) Movable property

Description	Value	Applicant's charge on the same, if any	Remarks
1	2	3	4

(c) Particulars of other income, if any

### 4. Particulars of suits or proceedings pending in Civil Court:

Name of Civil Court	Case No. with year	Amount of Claim	Name of creditors filing the suits with address in full	Full name and address of the debtors, joint debtors against whom the suit is filed
Principal	Interest			
1	2	3	4	5

Dated the ..... 19 ..... Signature of the Applicant Verified that the contents of paragraphs ..... are true upon the personal knowledge of, and those in paragraphs upon information received and believed to be true by the undersigned. Dated, the 19 ..... Signature of the Applicant The date when the debt was first incurred, the amount of the original principal, the approximate date and the conditions on which the bond was renewed or the additional loan taken, the rate of interest stipulated in each bond, the amounts paid from time to time and any other facts. Form 3 [See Rule 3 (2)] Form of application by a debtor/creditor under sub-section (1) of Section 8 for recording a settlement To The Tribunal of ..... (Under sub-section (1) of Section 8 of the Tripura Agricultural Debtors Relief Act, 1975) I, ..... son of ..... resident of ..... village ..... age ..... hereby apply that the settlement in respect of my debts/claims arrived at between the parties mentioned below on ..... be recorded and certified under sub-section (3) of Section 8 of the said Act.

### 2. The particulars regarding the settlement are as follows:

Parties to settlement	Amount of debt due to the creditor	Amount for which the settlement is	Instalments in which the amount is to be paid	Particulars of the property of the debtor relating to the	Remarks
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Name and address of the debtor	Name and address of the creditor	reached	and priority among the creditor, if any	settlement with details of any charges, lien, or mortgage thereon	
1	2	3	4	5	6

Dated, the ..... 19.....Signature of the Applicant(Debtor/Creditor)Verified that the contents of paragraph 2, columns.....are true upon the personal knowledge of, and those of paragraph 2, columns..... upon information received and believed to be true by the undersigned.Dated, the ..... 19.....Signature of the Applicant(Debtor/Creditor)Form 4Notice to creditors/debtors for settlement of debtTo..... (Name, description and place of residence).....

Shri/Smt. .... has filed an application for settlement of debts (copy attached) under Section 8 of the Tripura Agricultural Debtors Relief act, 1975 against you are settlement, notice is hereby given to you to appear in this Tribunal in person or by a Pleader duly instructed, and able to answer all material questions relating to the proceeding and to file a settlement in form 6/7 of the Tripura Agricultural Debtors Relief Rules, 1976 within one month from the date of service of this notice or affixation of this notice on the notice board of the Tribunal of Gram Panchayat whichever later. Copies of this notice have been affixed on the notice board of the Tribunal and Gram Panchayat on .....Given under my hand and the seal of he Tribunal this ..... day of.....19...

Signature.....

Seal (Tribunal)

Circle.....

Form 5[See Rule 3 (3)]Notice to the creditor/debtor for recording settlement of debtTo..... (Name, description and place of residence).....

Shri/Smt..... ..has filed an application for recording settlement of debt (mentioned in the schedule hereto) under sub-section (1) of Section 8 of the Tripura Agricultural Debtors Relief Act, 1975;You are hereby given notice to file objection, if any, within thirty days of receipt of this notice against such application.Take notice that, in default of your filing the objection within the period before-mentioned, the settlement shall be recorded and certified.Given under my hand and the seal of Tribunal this day of ..... 19 .....

Signature.....

Seal (Tribunal)

Circle.....

Form 6[See Rule 4]Statement required to be submitted by a Debtor under Section 11 of the Tripura Agricultural Debtors Relief Act, 1975



## 1. Amount and particulars to be submitted by a Debtor under Section 11 of the Tripura Agricultural Debtors Relief Act, 1975 :

Sl. No. of debt	Full name, residence and full address of the creditor	Amount of debt	
Principal	Interest	Total claimed by the creditor	Amount if any admitted by the creditor
1	2	3	4
Each debt with particulars of the original principal and rate of interest chargeable and document in support thereof		Particulars of debts for which the debtor is liable as surety, joint surety of joint debtor	Remarks
Amount of debt		Nature of liability	Full names and addresses of the debtors, joint sureties or joint debtors
5		6	7

## 2. Particulars of debtor's property including claims due to the debtor :

(a) Immovable property (including property situated outside the State of Tripura):

Specification of the property with boundaries where necessary	Name of the village with Survey Nos.	Nature of right	Annual income derived
Survey Nos.	Area in acres	Government assessment	
1	2	3	4
Market value	Details of any attachment, mortgage, lien, or charge, subsisting thereon	Full name and addresses of the co-shares of the debtor, if any	Remarks
5	6	7	8

Lands.....Houses.....(b) Movable property (including cash)

Serial No.	Description	Estimated value	Place where it may be found	Details of any pledge, charge or lien thereon	Remarks
1	2	3	4	5	6

(c) Claims due

Remarks

Full name and address of the person from whom the claim is due	Amount due	Particulars of the claims including date of commencement, rate of interest, whether secured and if so how, etc.	Nature of the documents evidencing the claims and in whose possession
Principal	Interest		
1	2	3	4
			5

### 3. Particulars of suits or proceedings pending in Civil Court:

Name of Civil Court	Case No. with year	Amount of Claim	Name of creditors filing the suit with address in full	Full name and address of the debtors, joint debtors against whom the suit is filed
Principal	Interest			
1	2	3	4	5

### 4. Particulars of property of the nature mentioned in paragraph 2 transferred or encumbered :

Description of property	Nature of transfer or encumbrance	To whom transferred or mortgaged etc. (full name and address)	Date of transfer or encumbrance	Remarks
1	2	3	4	5

Signature of Debtor The date when the debt was first incurred, the amount of the original principal, the approximate dates and the conditions on which the bond was renewed or the additional loan taken, the rate of interest stipulated in each bond, the amount paid from time to time and any other facts. Form 7 [See Rule 4] Statement required to be submitted by a creditor under Section 11 of the Tripura Agricultural Debtors Relief Act, 1975

### 1. Particular of Creditor's claim:

Name and full address of the creditor	Amount of debt claimed	Whether secured and if so how	Each debt, with particulars of the original principal and rate of interest charged and document in support thereof	Names and addresses of other creditors so far as they are known to the applicant	Remarks
Principal	Interest				
1	2	3	4	5	6

## 2. Particulars of debtor's property (including property situated outside the State of Tripura) so far as they are known to the creditor:

### (a) Immovable property

Description	Area of extent of share	Assessment Value	Particulars of any mortgage, loan or charge	Remarks
1	2	3	4	5

### (b) Movable property

Description	Value	Applicant's charge on the same, if any	Remarks
1	2	3	4

### (c) Particulars of other income, if any

## 3. Particulars of suits or proceeding pending in Civil Court:

Name of Civil Court	Case No. with year	Amount of Claim	Name of creditors filing the suits with address in full	Full name and address of the debtors, joint debtors against whom the suit is filed
Principal	Interest			
1	2	3	4	5

Signature of Creditor Note. - If the principal of any of the debts shown in column 2 of the statement in paragraph 2 includes any arrears of interest which have been added when a bond has been renewed or any additional loan has been taken, the following information (so far as it is known to the creditor) should be given separately with reference in the margin to the debts in column 2. The date when the debt was first incurred, the amount of the original principal, the approximate dates and the conditions on which the bond was renewed or the additional loan taken, the rate of interest stipulated in each bond, the amounts paid from time to time and any other facts. Form 8 [See Rule 14 (1) (a)] Register of Application for Settlement of Debt

Serial No.	Date of application	Name of applicant and his address	Father's name and address	Name of creditors, if the applicant is debtor and of debtors, if the applicant is creditor	The amount due, principal and interest being shown separately	The dates on which the amounts were due
1	2	3	4	5	6	7

Particulars of the securities held and the	Date of issue of	Date and the nature of order of appeal/ revision (if	Description in	Remarks	Signature of the Tribunal
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marketvalue of each security notice the Tribunal any) and the date

8 9 10 11 12 13

Form 9[See Rule 14 (1) (b)]Register of Applications for Recording Settlement of Debt

Serial No.	Date of application	Name of applicant and his address	Father's name and address	Name of creditors, if the applicant is debtor and of debtors, if the applicant is creditor	The amount due, principal and interest being shown separately	Particulars of the securities held and the marketvalue of each security
1	2	3	4	5	6	7

Nature of settlement arrived at	Date of issue of notice	Date of order of Tribunal and the nature of order of Tribunal	Date and substance of certificate given by the Tribunal	Decision in appeal/ revision (if any) and the date	Remarks	Signature of the Tribunal
8	9	10	11	12	13	14

Form 10[See Rule 14 (2)]Register of Appeals

Serial No.	Date of admission of memorandum of appeal	Name of applicant, his description and place of residence	Name of respondent, description and his address	Date and nature of the order of the Tribunal appealed from
1	2	3	4	5

Date of issue of notice ascertaining contest	Date and nature of decision of the appellate authority	Date of intimation sent to the Tribunal	Remarks	Signature of the Appellate Court
6	7	8	9	10

Form 11[See Rule 14 (3)]

Serial No.	Date of admission	Name of applicant, his description and place of residence	Name of opposite party, description and place of residence	Date and nature of the order of the Tribunal/Appellate Authority against which revision is filed
1	2	3	4	5

Remarks

Date of issue of notice ascertaining contest	Date and nature of the order passed revision	Date of intimation to the Appellate Authority	Signature of the Revisional Court
6	7	8	9