

# **The Madhya Bharat Famine (Suspension of Proceedings) Act, 1953**

MADHYA BHARAT

India

## **The Madhya Bharat Famine (Suspension of Proceedings) Act, 1953**

### **Act 12 of 1953**

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The Madhya Bharat Famine (Suspension of Proceedings) Act, 1953 Act No. 12 of 1953 [Dated 30th April 1953] Received the assent of President on 30-4-1953 assent first published in M.B. Gazette dated 8-5-1953. An Act to provide for the suspension of certain proceedings in [Areas affected with famine or scarcity] [Substituted by M.B. Act No. 23 of 1954.] Be it enacted as follows :-

#### **1. Short title and extent.**

(1) This Act, may be called The Madhya Bharat Famine or [Scarcity] [Substituted by M.B. Act No. 23 of 1954.] (Suspension of Proceedings) Act, 1953. (2) It extends to the whole of Madhya Bharat. (3) It shall be deemed to have come into force from the 1st December, 1952.

#### **2. Interpretation.**

- In this Act, unless the context otherwise requires, -(a) "agriculturist" means a person who by himself or by his servant or tenants earns his livelihood wholly or principally by agriculture or by cattle-breeding within the limits of any famine affected area and it shall also include a person who ordinarily engages himself in agricultural labour or who works in a village as an agricultural artisan. Explanation 1. - A person who temporarily ceases to earn his livelihood by agriculture or cattle-breeding or who is prevented from so earning his livelihood by reasons of old age or bodily infirmity or necessary absence on account of service in the Armed Forces of the Union, does not cease to be an agriculturist within the meaning of this definition, but a mortgagee of lands in the occupation of an agriculturist is not an agriculturist. Explanation 2. - In the case of co-owners of co-tenants or members of a joint family, such of them only as ordinarily engage themselves personally in agriculture or cattle-breeding shall be deemed to be agriculturists within the meaning of this definition, provided that in the case of a joint family, the family as a whole, and not the

individual members thereof not so engaging themselves, shall also be regarded as an agriculturist.(b)"Court" means a civil or a revenue court or a Nyaya Panchayat;(c)["affected area"] [Substituted by M B. Act No. 23 of 1954.] means an area in respect of which a declaration has been made under Section 3 and is subsisting;(d)"Notification" means notification published in the [Gazette] [Substituted by Section 4 and Table thereunder of M.P. Adoption of Laws Order, 1956.];(e)"prescribed period" means the period fixed under Section 4 and includes every extension thereof;(f)"Proceeding" means any Proceeding in a court started on a plaint, petition of appeal, application or otherwise.

### **3. Power [of Government] [Substituted by M.B. Act No. 23 of 1954.] to declare areas \*[affected with famine or scarcity].**

- The Government may,by notification, declare any area or areas to be affected with [famine or scarcity] [Substituted by M.B. Act No. 23 of 1954.] and thereupon the provisions of this Act shall apply to such area or areas for the period fixed under Section 4.

### **4. Power to fixed prescribed period.**

(1)Upon the issue of a notification under Section 3 in respect of any area, the Government shall by the same or another notification fix the period for which the provisions contained in Sections. 3 to 10 shall remain in force in such area, and may likewise extend from time to time the period so fixed.(2)On the termination of the prescribed period for any area the declaration in respect thereof made under Section 3 shall be deemed to be discharged and such area shall cease to be [an affected area] [Substituted by M.B. Act No. 23 of 1954.].

### **5. Stay of certain proceedings.**

(1)All proceedings in execution of any decree for money, all proceedings for making final any preliminary decree for foreclosure or sale in enforcement of a mortgage and all proceedings in execution of any final decree for foreclosure or sale in enforcement of a mortgage passed by any Court on the basis of any liability incurred before the issue of a notification under Section 3 in respect of that area, in which the judgment debtor or one of the judgment debtors in an agriculturist, shall be stayed for the prescribed period.(2)Where proceedings in execution of any decree have been stayed under sub-section (1) all attachments of growing crops, agricultural produce, live-stock and other movable property of a perishable nature made in execution of such decree and subsisting on the date on which the stay order is passed, shall be deemed to be withdrawn.(3)All proceedings under the Insolvency Act for the time being in force in Madhya Bharat against an agriculturist pending in any Court on the date of issue of notification under Section 3 shall be stayed for the prescribed period.(4)All suits for money and for foreclosure or sale in enforcement of mortgage against an agriculturist, and all appeals from decrees or orders passed in such suits, pending in any Court on the date of the issue of a notification under Section 3 in respect of that area, shall be stayed for the prescribed period.

## **6. Instalment decrees.**

- Where any decree referred to in sub-section (1) of Section 5' is payable by instalments and any instalment payable thereunder fall due within the prescribed period then, notwithstanding anything contained in such decree-(i)failure to pay such instalment on the due date shall not be deemed to be a default;(ii)no instalment shall be deemed to have fallen due during the prescribed period;(iii)the unpaid instalments shall be payable after the expiry of the prescribed period on the same dates and with the same intervals as are provided in the decree; and(vi)the decree shall be deemed to have been amended accordingly.

## **7. Institution of certain proceedings suspended.**

(1)No suit for money and no suit for foreclosure or sale in enforcement of a mortgage against an agriculturist nor any appeal from any decree or orders passed in any such suit shall be instituted during the prescribed period in any Court.(2)No application for execution of any decree referred to in sub-section (1) of Section 5 or for making final any preliminary decree for foreclosure or sale referred to therein shall be entertained by any Court during the prescribed period.

## **8. Computation of the period of limitation.**

(1)The prescribed period shall be excluded in computing the period of limitation prescribed by the Indian Limitation Act, 1908 (IX of 1908), or any other law for the time being in force for suit, appeals and applications referred to in Section 7.(2)In computing the period of twelve years prescribed in Section 48 of the Code of Civil Procedure, 1908 (V of 1908), for an application for execution of any decree referred to in sub-section (1) of Section 5 or in sub-section (2) of Section 7 the prescribed period shall be excluded.

## **9. Restrictions on transfer.**

- Every transfer of immovable property or of any interest therein made by an agriculturist in [an affected area] [Substituted by M.B. Act No. 23 of 1954.] who is a judgment debtor of any decree referred to in sub-section (1) of Section 5, during the prescribed period shall be void as against the holder of such decree.

## **10. Payment of certain amounts.**

- Nothing contained in this Act, shall-(a)prevent any decree holder from accepting any payment under a decree or making any adjustment thereof voluntarily made by the judgment-debtor;(b)apply to a decree for money arising out of claims relating to trusts, or for maintenance or for profits in favour of a co-tenant or a co-owner or for damages for tort or for contribution between co-tenants of agricultural land; or(c)apply to a mortgage decree sought to be executed by the sale of the mortgage property in the hands of a subsequent transferee who has taken the transfer subject to the mortgage on the basis of which such decree has been obtained.

## **11. Repeal.**

- An soon as this Act comes into force the Madhya Bharat Famine (Suspension of Proceedings) Ordinance, Samvat 2009, shall stand repealed :Provided that all orders made and action taken under the said Ordinance shall be deemed to have been made or taken under this Act.