

Tamil Nadu Debt Relief Act, 1972

TAMILNADU

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Act 38 of 1972

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Tamil Nadu Debt Relief Act, 1972 (Tamil Nadu Act 38 of 1972) Received the assent of the President on the 8th December 1972 and first published in Part IV-Section 4 of the Tamil Nadu Government Gazette Extraordinary on the 15th December 1972. Tamil Nadu Government Gazette Extraordinary on the 15th December 1972. An Act to provide for the relief of certain indebted persons 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:-

Chapter I Preliminary

1. Short title.

- This Act may be called the Tamil Nadu Debt Relief Act, 1972.

2. Definitions.

- In this Act, unless the context otherwise requires, - (1) "creditor" includes his heirs, legal representatives and assigns; (2) "debt" means any liability in cash or kind, whether secured or unsecured, due from a debtor whether payable under a decree or order of a Civil or Revenue Court or otherwise, but does not include rent as defined in clause (9); (3) "debtor" means any person from whom any debt is due: Provided that a person shall not be deemed to be a debtor, if he, - (i) has in both the financial years ending on the 31st March 1972 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 (ii) has, in all the four half-years, immediately preceding the 1st March 1972 been assessed to profession tax on a half yearly income of more than one thousand and two hundred rupees derived from a profession other than agriculture under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the [Chennai] [Substituted for the words

'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), Chennai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the [Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958)] [This Act was repealed and re-enacted as the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).], the [Cantonments Act, 1924 (Central Act II of 1924)] [This Act was repealed and re-enacted as the Cantonments Act, 2003.] or any law governing municipal or local bodies in this State or in any other State or Union territory in India; or(iii)has in all the four half-years immediately preceding the 1st March 1972 been assessed to property or house tax in respect of buildings or lands other than agricultural lands, under the [Chennai] [Substituted for the worth, 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the [Chennai] [Substituted for the words 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the [Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958)] [This Act was repealed and re-enacted as the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).], the [Cantonments Act, 1924 (Central Act II of 1924)] [This Act was repealed and re-enacted as the Cantonments Act, 2003.] or any law governing municipal or local bodies in this State or in any other State or Union territory in India, 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 rupees one thousand and two hundred.Explanation. - The annual rental value of any building of land for the purposes of proviso (iii) 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:Provided further that a person shall not be deemed to be a debtor if he is an agriculturist as defined in the Tamil Nadu Agriculturists Relief Act, 1938 (Tamil Nadu Act IV of 1938) and entitled to the benefits of that Act;(4)"Government" means the State Government;(5)"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;(6)"mortgagee" includes his heirs, legal representatives and assigns;(7)"person" means an individual and includes an undivided 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 or any firm as defined in the Indian Partnership Act, 1932 (Central Act IX of 1932);(8)"publication of this Act" means the date on which this Act is published in the Tamil Nadu Government Gazette;(9)"rent" means rent or michavaram as defined by the Malabar Tenancy Act, 1929 (Tamil Nadu Act XIV of 1930) or quit-rent, jodi, kattubadi, poruppu or the like payable to any person under any law relating to tenancy for the time being in force in this State or the fair rent payable to the land-owner under the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956) or the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961) or the rent payable by any tenant to the owner of any building in respect of such building or portion thereof occupied by such tenant.Explanation. - For the purpose

of this clause, the expression 'building' shall have the same meaning as in clause (2) of section 2 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960).

3. Certain debts and liabilities not to be affected.

- Nothing in this Act shall affect debts and liabilities of any debtor falling 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)] [This Act was repealed and re-enacted on the Tamil Nadu Co-operative Societies Act, 1983.]: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 any such co-operative 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 I 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;(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);(F)any company or corporation owned or controlled by the Central Government or any State Government.

4. Special provision for undivided Hindu families, etc.

- Where an undivided Hindu family other than a marumakkattayam or aliayasantana tarward or tavazhi falls within the purview of any of the provisos to section 2(3), no person who was a member of the family on the 1st March 1972 shall be deemed to be a debtor for the purposes of this Act except section 12.

5. Heirs of non-debtor members of Hindu families to be non-debtors.

- Where in an undivided Hindu family other than a marumakkattayam or aliayasantana tarward or tavazhi which is a debtor within the meaning of section 2(3), any member of the family is not a debtor, then, none of his heirs shall be deemed to be a debtor for the purposes of sections 6 to 11 and 15 to 25 of this Act.

Chapter II

Scaling Down of Debts and Future Rate of Interest

6. Debts payable by debtors to be scaled down.

(1)Notwithstanding any law, custom, contract debts or decree of Court to the contrary, all debts payable by any debtor on the publication of this Act, shall be scaled down in accordance with the provisions of this Chapter.(2)No sum in excess of the amount as so scaled down shall be recoverable from him or from any land or interest in land belonging to him; nor shall his other 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.

7. Provision for debts incurred before 1st March 1972.

- Debts incurred before the 1st March 1972, shall be scaled down in the manner mentioned hereunder, namely:-(1)Where any debtor 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.(2)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 such shortage or the principal amount or such portion of the principal amount as is outstanding, whichever is smaller, shall be repayable.(3)Subject to the provisions of sections 18 to 21, nothing contained in clauses (1) and (2) 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. - 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. - 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. - 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 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.Explanation IV. - 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.

8. Special provision in respect of mortgages.

(1) This section applies to all mortgages executed at any time before the 1st March 1972 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 the 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 7 read with section 11, or under section 12, 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 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 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 7 read with section 11, or under section 12, as the case may be; (iii) the balance of the debt as scaled down under section 7 read with section 11 or section 12, as the case may be; and (iv) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with 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 7, 11 and 12, the mortgaged 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 this Act, with effect from the date of such publication-(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 7, read with section 11, or section 12, 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 7, read with section 11, or under section 12, as the case may be;(ii)the balance of the debt not attributable to such portion of the property as scaled down under section 7, read with section 11, or under section 12, 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 mortgage 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 sub-section (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 7, read with section 11, or section 12, 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 arty 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)(a)Notwithstanding anything contained in this section 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 bona fide 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 herein 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 of them has, during the period referred to in clause (a) of sub-section (10) redeemed the entire mortgage, nothing contained in this section shall affect the rights or the reliefs to which the persons redeeming the mortgage might be entitled under any other law for the time being in force as against the other persons aforesaid.

9. Exceptions.

- Nothing contained in section 7 shall affect,-(i)any mortgage of the description referred to in sub-section (1) of section 8, except to the extent provided for in that section; or(ii)any liability for which a charge is provided under section 55, clause (4), sub-clause (b) of the Transfer of Property Act, 1882 (Central Act IV of 1882).

10. Where a debt payable by any debtor includes any provision as 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 7.

11. Rate of interest payable by debtors 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.

12. Rate of interest payable by debtors on new loans.

- In any proceeding for recovery of a debt, the Court shall scale down all interest whether paid or payable on any debt incurred by any debtor on or after the 1st March 1972, so as not to exceed a sum calculated at nine per cent per annum simple interest:Provided that the Government may, by notification, alter and fix any other rate of interest, from time to time.Explanation I - For the purposes of this section, the definition of "debtor" in section 2 (3) shall be read as if in the first proviso to the said section-(i)in clause (i), for the expression "31st March 1972", the expression "31st March immediately preceding the date on which the debt is incurred" were substituted;(ii)in clauses (ii) and (iii), 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 debtor 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.

13. Separation of share of debt in particular cases.

- Subject to the provisions of sections 4 and 5, where in a Hindu family, whether divided or undivided, some of the members liable in respect of a family debt are not debtors while others are debtors, the creditor shall, notwithstanding any law to the contrary, be entitled to proceed-(a)against the non-debtor 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 debtor 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

Procedure and Miscellaneous

14. Provision as to costs in certain cases.

(1)Where a decree is passed against any debtor in a suit instituted on or after the 1st March 1972, 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 wherein any such case a decree has been passed before the publication of this Act, the Court shall, on application by the judgement-debtor within six months from the publication of this Act, 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 publication of this Act in respect of a claim which would be barred by limitation before the date of such publication.

15. Amendment of certain decrees.

(1)Where before the publication of this Act, a Court has passed a decree for the repayment of a debt, it shall, on the application of any judgement-debtor who is a debtor within the meaning of this-Act, or in respect of a Hindu joint family debt, on the application of any member of the family whether or not he is the judgement-debtor or on the application of the decree-holder within six months from the date of publication of this Act, 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 this Act 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 this Act, a Court has passed a decree for the repayment of a debt payable at such publication.

16. Stay of execution proceeding.

- 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 15: Provided that where, within sixty days after the application for stay has been granted, the judgement-debtor does not apply to the Court which passed the decree for relief under section 15 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).

17. 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 this Act a dividend has been declared out of his assets. (2) If a dividend has not been so declared, the Court shall, on application made within six months from the publication of this Act, 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 a debtor 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.

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

- Where in execution of any decree, any movable property of any debtor has been sold on or after the 1st March 1972, any judgement-debtor may, within six months from the publication of this Act, apply to the Court for an order that the provisions of section 7 and of sections 10 and 11 be applied to the decree and the Court, shall, if satisfied that the applicant is a debtor 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 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.

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

- Where in execution of any decree, any immovable property, in which a debtor entitled to the benefits of this Act 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 this 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 judgement-debtor, claiming to be entitled to the benefits of this 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 debtor entitled to the benefits of this 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.

20. Consequential provision on setting aside of sale.

- Where a sale is set aside under section 19, 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 where poundage has been collected, the Court shall direct the same to be refunded.

21. Power of Court to reject certain claims.

- 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.

22. Alienations by debtor.

- All alienations of immovable property made by any debtor on or after the 1st March 1972 shall be invalid as against every creditor whose sale in execution or fore-closure decree has been set aside under section 19 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).

23. Appeals.

(1) An appeal shall lie from any of the 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 14 amending or refusing to amend a decree; (b) An order under section 15 amending or refusing to amend a decree or entering or refusing to enter satisfaction in respect of a decree; (c) An order under section 18 directing or refusing to direct the refund of any excess realised in execution of a decree; (d) An order under section 19 setting aside or refusing to set aside any sale or foreclosure of immovable property; (e) An order under section 20 directing or refusing to direct the repayment of any purchase money realised 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).

24. District Collector to furnish information as to 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 or is an agriculturist for information as to the above fact and the Collector shall thereupon ascertain such information and grant to such creditor a memorandum in the prescribed form whether the debtor has been so assessed to income-tax or such debtor is an agriculturist or not. Such information shall be received in every Court as evidence of the facts stated therein.

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

- Any creditor may apply to the executive authority of municipality, a panchayat, a panchayat union or a township or the Revenue Officer or Commissioner of the Municipal Corporation of [Chennai] [Substituted of the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996)] or of Madurai for information as to whether his debtor was or is assessed to profession, property or house tax in terms of clauses (ii) and (iii) of the first proviso to section 2(3), and the executive authority, or Revenue Officer or Commissioner 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.

26. Saving of operation of other laws.

- Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and shall not be in derogation of, any law for the time being in force in this State relating to debt relief.

27. Power to make rules.

(1)The Government may make rules to carry out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-(a)all matters expressly required or allowed by this Act to be prescribed; and(b)the form of, and the fees to be paid in respect of, applications under this Act.

28. Rules and notifications to be placed before the Legislature.

(1)(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.(2)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] [Substituted for the words 'both Houses of the Legislature' by the Tamil Nadu Adaptation of Laws order, 1987.], and if before

the expiry of the session in which it is so placed or the next session, [the Legislature Assembly agrees] [Substituted for the words 'both Houses agree' by the Tamil Nadu Adaptation of Laws order, 1987] agree in making any modification in any such rule or notification or [the Legislature Assembly agrees] 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.