

The Displaced Persons (Debts Adjustment) Rules, 1951

UNION OF INDIA

India

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Rule

THE-DISPLACED-PERSONS-DEBTS-ADJUSTMENT-RULES-1951 of 1951

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2065.

In exercise of the powers conferred by Section 57 of the Displaced Persons (Debts Adjustment) Act, 1951 (70 of 1951), the Central Government hereby makes the following Rules, namely :

1. Short title.

- These rules may be called the Displaced Persons (Debts Adjustment) Rules, 1951.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"form" means a form in the Schedule to these rules ;(b)"section" means a section of the Act;(c)"the Act" means the Displaced Persons (Debts Adjustment) Act, 1951.

3. Additional particulars to be given in an application under Section 5.

- Besides the particulars specified in sub-section (2) of Section 5 an application under sub-section (1) of that section shall contain the following additional particulars, namely -(a)where the applicant

or respondent is a minor or a person of unsound mind, a statement to that effect;(b)a statement of any fact or circumstance which in the opinion of the applicant should be taken into account by the Tribunal in the adjustment of the debts.

4. Form of notice under Section 5.

- The notice referred to in Section 5 shall be in Form A.

5. Form and contents of application under Section 10.

- Every application by a displaced person under Section 10 shall be as nearly as may be, in the form of a plaint in a suit under the Code of Civil Procedure, 1908 (Act 5 of 1908), and shall contain the following particulars, namely -(a)the name of the Tribunal to which the application is made ;(b)the name, description and place of residence of the displaced debtor against whom the application is made ;(c)where the applicant or the respondent is a minor or a person of unsound mind, a statement to that effect ;(d)the amount of the debts due from the displaced debtor and full particulars relating thereto ;(e)a statement of any such fact or circumstance as may in his opinion be helpful to the Tribunal in the determination of the application.

6. Form of notice under Section 11.

- The notice referred to in Section 11 shall be in form B.

7. Form and contents of application under Section 13.

- Every application by a displaced creditor under Section 13 against a person who is net a displaced debtor shall be, as nearly as may be, in the form of a plaint in a suit under the Code of Civil Procedure, 1908 (Act 5 of 1908), and shall contain the following particulars, namely -(a)the name of the Tribunal to which the application is made ;(b)the name, description and place of residence of the applicant ;(c)the name, description and place of residence of the respondent ;(d)where the applicant or respondent is a minor or a person of unsound mind, a statement to that effect ;(e)the amount of debts due from the displaced debtor and full particulars relating thereto, and(f)a statement of any such fact or circumstance as in the opinion of the applicant, may be helpful to the Tribunal in the determination of the application.

8. Form of notice under Section 14.

- The notice referred to in Section 14 shall be in Form C.

8A. [Authority under Section 52. [Inserted by S.R.O. 1967, dated 15th November, 1952.]

- The authority for the purpose of Section 52 of the Act shall be the Chief Settlement Commissioner, Ministry of Rehabilitation, New Delhi.]

9. Registers.

- The following registers shall be maintained by every Tribunal, namely-(a)a separate register in Form D of applications under each of the Sections. 5, 10, 13 and 18 ; and(b)a register in Form E of notices referred to in rules 4, 6 and 8.

Schedule

Form A Notice(See rule 4)To(Name, description and place of residence.)RespondentWhereas (name of the applicant) has made an application against you to this Tribunal for the adjustment of his debts under Section 5 of the Displaced Persons (Debts Adjustment) Act, 1951(70 of 1951) :You are hereby called upon to show cause, if any, against the application by filling a written statement containing objections thereto within fifteen days of the service of this notice upon you.Given under my hand and seal of the Tribunal, this day of 19.Tribunal.

Form B Notice(See rule 6)To(Name, description and place of residence of the displaced debtor.)Respondent,Whereas (name of the applicant) has made an application against you under Section 10 of the Displaced Persons (Debts Adjustment) Act, 1951 (70 of 1951) :You are hereby called upon either to show cause, if any, against the application within 15 days of the service upon you of this notice or to make an application on your behalf under Section 5 of the aforesaid Act within 30 days of the service upon you of this notice.Given under my hand and seal of the Tribunal, this day of 19.Tribunal.

Form C Notice(See rule 6)To(Name, description and place of residence.)Respondent,Whereas (name of the applicant) has made an application against you under Section 13 of the Displaced Persons (Debts Adjustment) Act, 1951 (70 of 1951) :You are hereby called upon to show cause, if any, against the application within 15 days of the service of this notice upon you.Given under my hand and the seal of the Tribunal, this day of19.Tribunal.

Form D Register of Applications(See rule 9)

1	2	3	4	5	6	7	8	9
Serial No.	Date of presentation	Name and address of person making application	Name and addresses of respondents	Section of the Act under which application made	Amount of debt for which adjustment is sought or in the case of creditor, amount claimed	Number of hearings in the suit and duration of hearing	Date of passing final order	Amount for which degree has been passed
Date	Nature of the order and	Purport of the order	Date of application	Date of final order	Result			

Court
by which
order passed

Form E Register of Notice (See rule 9)

1	2	3	4	5	6	7	8	9
Serial No.	Serial No. in the registers of-application	Date of issue	Name and address of applicant	Name and address of respondent to whom notice issued	Mode of service of notice	Date of return of notice	Whether notice has been served or not. If served mention date	Remarks