

Acknowledgement of Debts; Interest, Mortgages

MAHARASHTRA

India

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Act 5 of 1827

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The Bengal Attached Estates Management Regulation, 1827Bengal Regulation 5 of 1827 (with the exception of certain words and figures in, Section 2 was declared in force in the Central Provinces by the Central Provinces Laws Act, 1875 (20 of 1875), Section 3 and Schedule, infra., dated 27th December, 1827Short title, the Bengal Attached Estates Management Regulation, 1827, see the Repealing and Amending Act, 1897 (V of 1897).A Regulation for modifying the rules at present in force for the management of estates under attachment by orders of the Courts of Justice in certain cases.

1. Preamble.

- Whereas it is expedient, in all cases of the attachment of landed property under orders of the Courts of Justice, that the management of the estate attached should be placed under the superintendence of the Collectors of land revenue; the following rules have been enacted by the [Central Government] [Substituted for the words 'Governor-General in Council' by Adaptation Order, 1937.] to be in force from the date of their promulgation throughout the territories immediately subject to the Presidency of Fort William.

2. Modification of Regulation V of 1799 as to management of attached estates.

- The rules contained in sections 5 and 6, [Regulation V,] [Supra.] 1799, [.....] [The words and figures 'and clauses five and six, Section 16, Regulation III, 1803' were excepted by Act XX of 1875, Schedule, on the application of the Regulation by that Act to the Central Provinces and the words and figures 'and Sections 26 and 27', Regulation V, 1812, and clause third, Section 5, Regulation VI, 1813, were repealed by the Repealing Act, 1874 (XVI of 1874).] regarding the administration and management of estates under orders of the zila [.....] [The words 'and city' in Sections 2 and 3 were repealed by the Repealing Act XVI of 1874.] Courts, are hereby declared subject to the following modifications.

3. Issue of precepts for holding estates under attachment and for appointing managers.

- Whenever the zila [...] [The words 'and city' in Sections 2 and 3 were repealed by the Repealing Act XVI of 1874.] Courts may deem it just and proper, under the provisions of the [Regulation] [The word 'Regulation' was substituted for the words 'several Regulations' by Section 3 of the Amending Act, 1903 (I of 1903).] abovementioned, to provide for the administration or management of landed property, the Court shall issue a precept to the Collector of land revenue of the district wherein the estate may be situated, directing him to hold the estate in attachment, and to appoint a person for the due care and management of the estate, under good and adequate security for the faithful discharge of the trust, in a sum proportionate to the extent thereof: Provided, however, that if any person holding an interest in the estate shall be dissatisfied with the selection made by the Collector of the individual to perform the duty in question, or with the conduct of the manager at any time after his appointment, it shall be competent to such person to represent his objection to the Board of Revenue, and the Board will either confirm the manager chosen, or order the Collector to appoint another person, as on consideration of the circumstances of the case may appear reasonable and proper.

4. Precept to State property included in attachment.

- The precept of the zila [.....] [The words 'or city' were repealed by the Repealing Act, 1874 (XVI of 1874).] Court abovementioned shall state specifically the property to be included in the attachment, and the attachment shall not be withdrawn without a further precept from the Court to that effect.