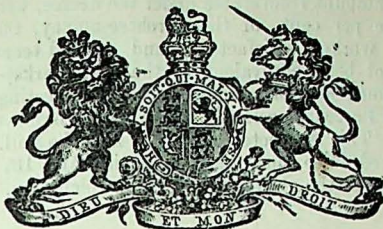


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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th March 1893 :—

No. 7 of 1893.

A Bill to amend the Code of Civil Procedure and the Indian Limitation Act, 1877.

WHEREAS it is expedient to amend the Code of Civil Procedure, and the Indian Limitation Act, 1877 ; It is hereby enacted as follows :—

Short title and commencement.

1893 ; and

(2) It shall come into force at once.

Addition of section after section 310 of the Code.
shall be inserted, namely :—

“310A. Any person whose immoveable property has been sold under this Chapter may apply to have the sale set aside on his depositing in Court for payment to the

decree-holder the amount recoverable under the decree with costs, and for payment to the purchaser a sum equal to five per centum of the purchase-money.

“ Provided that, if a person applies under the next succeeding section to set aside the sale of his immoveable property, he shall not be entitled to make an application under this section.”

3. In section 312 of the Code of Civil Procedure, for the words “ preceding section ” the words “ two preceding sections ”

shall be substituted, and the words “ the objection be,” “ if the objection be ”, and “ on the ground of such irregularity ” shall be omitted.

4. After No. 165 of the Second Schedule to the Indian Limitation Act, 1877, the following shall be inserted, namely :—

Description of application.	Period of limitation.	Time from which period begins to run.
“165A. Under section 310A of the Civil Procedure Code to set aside a sale in execution of a decree.	Thirty days.	The date of the sale.”

STATEMENT OF OBJECTS AND REASONS.

It is a well known fact that immoveable property put up for sale in execution of a decree seldom fetches an adequate price. To remedy this evil in the case of sales of tenures or holdings in execution of decrees for arrears of rent, the framers of the Bengal Tenancy Act, 1885, introduced into that Act a

provision enabling a judgment-debtor to get the sale set aside by depositing in Court, within thirty days from the date of the sale, the amount recoverable under the decree, with costs, for payment to the decree-holder, and a sum equal to five per cent. of the purchase-money, for payment to the purchaser. This provision has, it is believed, worked satisfactorily and enabled tenants to save their tenures or holdings, when the prices offered have not been equivalent to the real market-value of the property. It is now proposed to give other judgment-debtors similar relief by inserting a corresponding enactment in the provisions of the Code of Civil Procedure relating to the sale of immoveable property in execution of decrees passed in ordinary civil suits. This is effected by section 2 of the Bill. The amendments in section 312 of the Code and in the second schedule to the Indian Limitation Act, 1877, proposed by sections 3 and 4 of the Bill are only supplementary to the above and need no explanation.

The 8th March 1893.

(Signed) RASHBEHARY GHOSE.

J. M. MACPHERSON,
Officiating Secretary to the Government of India.