

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 1st MARCH 1894.

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 Report of the Select Committee on the Bill to amend the Code of Civil Procedure, and the Indian Limitation Act, 1877, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd February 1894:—

We, the undersigned, Members of the Select Committee to which the Bill to amend the Code of Civil Procedure and the Indian Limitation Act, 1877, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

From Mr. Ganesh Krishna Deshmukh, High Court Pleader, Bombay, No. 1040, dated 16th March 1893 [Paper No. 1].
From Chief Commissioner, Coorg, No. 457—44-93, dated 4th April 1893 [Paper No. 2].
From Mr. P. R. Desai, Pleader, District Court, Ratnágiri, dated 2nd April 1893 [Paper No. 3].
From Agent to Governor General in Baluchistan, No. 2060, dated 20th April 1893 [Paper No. 4].
From Resident, Hyderabad, No. 125, dated 25th April 1893 [Paper No. 5].
From Government, Madras, No. 804, Judicial, dated 20th April 1893, and enclosures [Papers No. 6].
From Chief Commissioner, Assam, No. $\frac{61L \& L}{3892 J}$, dated 22nd April 1893, and enclosure [Papers No. 7].
From Chief Commissioner, Ajmere-Merwara, No. 487, dated 5th May 1893, and enclosures [Papers No. 8].
Opinion by the Hon'ble W. H. Rattigan, dated 5th May 1893 [Paper No. 9].
From Chief Commissioner, Burma, No. 207 L.—9, dated 9th May 1893, and enclosures [Papers No. 10].
From Government, Madras, No. 953 Judicial, dated 9th May 1893, and enclosures [Papers No. 11].
From Government, Punjab, No. 590, dated 13th May 1893, and enclosures [Papers No. 12].
From High Court, Calcutta, No. 1244, dated 31st May 1893 [Paper No. 13].
From Chief Commissioner, Central Provinces, No. 4780, dated 27th June 1893, and enclosures [Papers No. 14].
From Government, Bengal, No. 3304 J., dated 10th August 1893, and enclosures [Papers No. 15].
From Government, North-Western Provinces and Oudh, No. 676, dated 23rd August 1893, and enclosures [Papers No. 16].
From Government, Bombay, No. 5476, dated 30th August 1893, and enclosures [Papers No. 17].
From Government, Bengal, No. 659 J. D., dated 17th October 1893, and enclosure [Papers No. 18].

of the Limitation Act, having inserted, in the section as amended, the period within which applications must be made.

3. The publication ordered by the Council has been made as follows :—

<i>Gazette.</i>	<i>In English.</i>	<i>Date.</i>
Gazette of India	11th March 1893.
Fort Saint George Gazette	21st March 1893.
Bombay Government Gazette	16th March 1893.
Calcutta Gazette	15th March 1893.
North-Western Provinces and Oudh Government Gazette	18th March 1893.
Punjab Government Gazette...	23rd March 1893.
Central Provinces Gazette	18th March 1893.
Burma Gazette	25th March 1893.
Assam Gazette...	25th March 1893.
Coorg District Gazette	1st April 1893.
Sindh Official Gazette	20th April 1893.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil... ..	11th April 1893.
	Telugu	11th April 1893.
	Hindustani... ..	11th April 1893.
	Kanarese	11th April 1893.
Bombay	Malayalam	11th April 1893.
	Marathi	27th April 1893.
	Gujarathi	27th April 1893.
	Kanarese	27th April 1893.
Bengal	Uriya	20th April 1893.
	Bengali	25th April 1893.
	Hindi	2nd May 1893.
North-Western Provinces and Oudh	Urdu... ..	8th April 1893.
Punjab	Urdu... ..	27th April 1893.
Central Provinces... ..	Hindi... ..	10th May 1893.
Burma	Burmese	8th April 1893.
Sindh	Sindhi	20th April 1893.

4. We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

RASHBEHARY GHOSE.

ALEX. EDW. MILLER.

A. P. MacDONNELL.

W. LEE-WARNER.

The 21st February 1894.

I assent to this Report without prejudice to my opinion that the Bill does not provide an adequate remedy for the evil which it was devised to cure.

W. LEE-WARNER.

The 21st February 1894.

No. II.

A Bill to amend the Code of Civil Procedure.

XIV of 1882. WHEREAS it is expedient to amend the Code of Civil Procedure; It is hereby enacted as follows:—

1. (1) This Act may be called the Civil Procedure Code Amendment Act, 1894; and

(2) It shall come into force at once.

XIV of 1882. 2. After section 310 of the Code of Civil Procedure the following shall be inserted, namely:—

Addition of new section after section 310 of Code.

“310A. Any person whose immoveable property has been sold under this Chapter may at any time within thirty days from the date of sale apply to have the sale set aside on his depositing in Court—

Application by judgment-debtor to set aside sale on deposit of debt.

(a) for payment to the purchaser, a sum equal to five per centum of the purchase-money, and

(b) for payment to the decree-holder, the amount set forth in the warrant of sale as that (including costs) for the recovery of which the sale was ordered.

“If such deposit is made within the thirty days, the Court shall pass an order setting aside the sale:

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

“Nothing in this section shall be construed to relieve the judgment-debtor from any liability he may be under in respect of costs not covered by the warrant of sale.”

3. In section 315 of the Code of Civil Procedure the figures and letter 315 of Code. “310A” shall be inserted after the word “section” and before the figures “312”.

S. HARVEY JAMES,
Secretary to the Government of India.