

ACT NO. II OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th January, 1884.)

An Act to give effect to certain unregistered instruments of partition relating to immoveable property in the Madras Presidency, and to remove doubts as to the titles conferred thereby.

WHEREAS it is expedient to give effect to certain unregistered instruments of partition relating to immoveable property in the Madras Presidency, and to remove doubts as to the titles conferred thereby; It is hereby enacted as follows:—

Certain un-registered instruments of partition to have same force and effect as registered instruments.

1. Notwithstanding anything contained in any Act to the contrary, instruments of partition relating to immoveable property in the Madras Presidency, which have been executed before the passing of this Act and have not been registered, shall have the same force and effect as if they had been registered under the law in force at the time when they were executed:

Provided that this Act shall not—

- (a) apply to any unregistered instrument of partition which has been superseded by an instrument of partition duly registered, or
- (b) affect the title of a transferee for value in good faith of property, whether he has or has not had notice of an unregistered instrument of partition relating to that property, or
- (c) affect any right established by a final decree of a Court of competent jurisdiction.

2. When

2. When any person to whom any right has accrued on the partition, or any person claiming under that person has, by any such transfer as is mentioned in section one, clause (b), been deprived of any right created by the partition, he shall be entitled to recover compensation in damages from any sharer who has directly or indirectly caused such privation of right, or, if the sharer is dead, from his assets :

Compensation to person deprived of right owing to transfer under section 1, clause (b).

Provided that suit be brought within three years after the date on which this Act comes into force or within three years from the date of the transfer, if the transfer is made after this Act comes into force.