

ACT No. XIV OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
 (Received the assent of the Governor General on the 10th June,
 1886.)

An Act to amend the North-Western Provinces Rent Act, 1881.

WHEREAS it is expedient to amend the North-Western Provinces Rent Act, 1881; It is hereby enacted as follows:—

Short title and commencement.

1. This Act may be called the North-Western Provinces Rent Act, 1886; and it shall come into force at once.

Amendment of section 95 of Act XII of 1881.

2. For the last paragraph of section 95 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely:—

“For the purposes of the Court-fees Act, 1870, the amount of fee payable in the cases next hereinafter mentioned shall be computed as follows:—

“(i) in applications under clause (c), and in appeals from orders passed on applications under that clause, as in a suit for possession of the land to which the application or appeal relates;

“(ii) in applications under clauses (l), (n), (o) and (p), and in appeals from orders passed on applications under clauses (d), (e), (f), (l), (n), (o), (p), (q) and (s), according to the rent of the land to which the application or appeal relates payable for the year next before the date of presenting the application, or, if in any case the fee cannot be so computed, then according to the annual

annual letting value of the land as estimated by the applicant or appellant, as the case may be;

“(iii) in applications under clause (m), and in appeals from orders passed on applications under clauses (j), (m) and (t), according to the amount claimed in the application or in the petition of appeal, as the case may be.”

3. After section 100 of the same Act the following sections shall be inserted, namely:—

New sections inserted after section 100 of same Act. Power of Board to transfer business.

“100A. The Board may, on cause shown to its satisfaction, transfer any suit, application or appeal, or class of suits, applications or appeals, from any Court of Revenue to any other Court of Revenue competent as regards the nature of the case or class of cases to deal therewith under the provisions of this Act.

“100B. (1) The Commissioner of a Division may, with the sanction of the Local Government, transfer any appeal or class of appeals pending before himself to any Collector of a district within his Division.

Commissioners may transfer appeals.

“(2) The order passed by a Collector on an appeal transferred to him by the Commissioner under subsection (1) shall be subject to appeal and revision in the same manner as if it had been passed by the Commissioner, and not otherwise.

“(3) The Local Government may by order recall any appeal transferred to a Collector under subsection (1), and refer it for disposal to the Commissioner of the Division by whom it was transferred.”

4. For the last paragraph of section 169 of the same Act the following shall be substituted, namely:—

Amendment of section 169 of same Act.

“The provisions of sections 74 to 78 (both inclusive) and section 80 shall, so far as they can be made applicable, apply to the sale of the property as if the terms ‘distress,’ ‘distrained property’ and ‘distrainer’ included respectively the execution of a writ against moveable property, moveable property taken in execution of a writ and a judgment-creditor.”

5. In

Addition to section 189 of same Act.

5. In section 189 of the same Act, after the words "one hundred rupees, or" the following shall be inserted, namely:—

"in which the rent payable by the tenant has been a matter in issue and has been determined, or"

Sections 193, 196 and 197 of the same Act in part repealed.

6. In the same Act the last twelve words of section 196, the last twelve words of clause (a) of both sections 193 and 196, and the last six words of section 197, are repealed.

Amendment of section 194 of same Act.

7. In section 194 of the same Act the word "other" is repealed; and in clause (b) of the same section, for the word and figures "section 99" the words and figures "sections 99 and 100" shall be substituted.

Substitution of new section for section 195 of same Act.

8. For section 195 of the same Act the following shall be substituted, namely:—

"195. The orders of an Assistant Collector of the first class on applications mentioned in section 98 shall be final."

Amendment of section 198 of same Act.

9. In section 198 of the same Act, for the word and figures "section 100" the words and figures "sections 99 and 100" shall be substituted.

Section 199 of same Act amended.

10. In section 199 of the same Act, after the words "The Board may" the words "notwithstanding anything hereinbefore contained" shall be inserted.

Addition to section 211 of same Act.

11. In section 211, after clause (d) the following shall be inserted, namely:—

"(e) as to the transfer of appeals to Collectors under section 100B."

Saving of orders passed before Act came into force.

12. Nothing in this Act shall confer a right to appeal from any decision or order passed before the coming into force of this Act from which an appeal would not have lain if this Act had not been passed.