

ACT No. XXVI OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

*(Received the assent of the Governor General on the 2nd
September, 1920.)*

An Act further to amend the Indian Limitation Act, 1908, and the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Indian Limitation Act, 1908, and the Code of Civil Procedure, 1908; It is hereby enacted as follows:—

Short title
and com-
mencement:

1. (1) This Act may be called the Indian Limitation and Code of Civil Procedure (Amendment) Act, 1920.

(2) It shall come into force on the first day of January, 1921.

Amendment
of Articles
176 to
179 of First
Schedule to
Act IX, 1908:

2. In the third division of the First Schedule to the Indian Limitation Act, 1908, in Articles 176, 178 and 179 for the word "Ditto" in the second column the words "ninety days," "six months" and "ninety days," respectively, shall be substituted.

Amendment
of rule 7
(1) of Order
XLV of First
Schedule to
Act V, 1908.

3. In sub-rule (1) of rule 7 of Order XLV of the First Schedule to the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code), the following amendments shall be made, namely:—

(i) for the words "six months" the following words shall be substituted, namely:—

"ninety days or such further period, not exceeding sixty days, as the Court may upon cause shown allow;"

(ii) after the word "security" the words "in cash or in Government securities" shall be inserted;

(iii) at the end of the sub-rule the following proviso shall be added, namely:—

"Provided that the Court at the time of granting the certificate may, after hearing any opposite

party who appears, order on the ground of special hardship that some other form of security may be furnished :

Provided further, that no adjournment shall be granted to an opposite party to contest the nature of such security."

4. After rule 9 of Order XLV of the First Schedule to the said Code, the following rule shall be inserted namely :—

Insertion of new rule 9A. in Order XLV of First Schedule to Act V, 1908.

"9A. Nothing in these rules requiring any notice to be served on or given to an opposite party or respondent shall be deemed to require any notice to be served on or given to the legal representative of any deceased opposite party or deceased respondent in a case, where such opposite party or respondent did not appear either at the hearing in the Court whose decree is complained of or at any proceedings subsequent to the decree of that Court :

Power to dispense with notices in case of deceased parties.

Provided that notices under sub-rule (2) of rule 3 and under rule 8 shall be given by affixing the same in some conspicuous place in the Court house of the Judge of the District in which the suit was originally brought, and by publication in such newspapers as the Court may direct."

5. To rule 15 of Order XLV of the First Schedule to the said Code, the following sub-rule shall be added, namely :—

Addition to rule 15 of Order XLV of Act V, 1908.

"(4) Unless His Majesty in Council is pleased otherwise to direct, no order of His Majesty in Council shall be inoperative on the ground that no notice has been served on or given to the legal representative of any deceased opposite party or deceased respondent in a case, where such opposite party or respondent did not appear either at the hearing in the Court whose decree was complained of or at any proceedings subsequent to the decree of that Court, but such order shall have the same force and effect as if it had been made before the death took place."