

Repealed by Act 36 of 1957.

THE INSOLVENCY (LAW) (AMENDMENT) ACT, 1950.

No. III of 1950



An Act further to amend the law relating to insolvency.

[18th February, 1950]

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Insolvency Law (Amendment) Act, 1950.

2. Amendment of section 12, Act III of 1909.—To sub-section (1) of section 12 of the Presidency-towns Insolvency Act, 1909 (hereinafter referred to as the said Act), the following proviso shall be added, namely:—

“Provided that where the said period of three months referred to in clause (c) expires on a day when the Court is closed, the insolvency petition may be presented on the day on which the Court reopens.”

3. Amendment of section 21, Act III of 1909.—In sub-section (1) of section 21 of the said Act, for the words “the Court may, on the application of any person interested,” the words “the Court shall, on the application of any person interested” shall be substituted.

4. Amendment of section 53, Act III of 1909.—In sub-section (1) of section 53 of the said Act, for the words “before the date of the order of adjudication and before he had notice of the presentation of any insolvency petition by or against the debtor”, the words “before the date of the admission of the insolvency petition” shall be substituted.

5. Insertion of new section 101A in Act III of 1909.—In Part VII, after section 101 of the said Act, the following section shall be inserted, namely:—

“101A. *Exclusion of time in computation of period of limitation in certain cases.*—Where an order of adjudication has been annulled under this Act, in computing the period of limitation prescribed for any suit or other legal proceeding (other than a suit or legal proceeding in respect of which the leave of the Court was obtained under section 17) which might have been brought but for the making of an order of adjudication under this Act, the period from the date of the order of adjudication to the date of the order of annulment shall be excluded:

Provided that nothing in this section shall apply to any suit or other legal proceeding in respect of a debt provable but not proved under this Act.”

6. Amendment of section 9, Act V of 1920.—To sub-section (1) of section 9 of the Provincial Insolvency Act, 1920, the following proviso shall be added, namely:—

“Provided that where the said period of three months referred to in clause (c) expires on a day when the Court is closed, the insolvency petition may be presented on the day on which the Court re-opens.”

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7. Amendment of section 43, Act V of 1920.—In sub-section (1) of section 43 of the Provincial Insolvency Act, 1920, for the words "the order of adjudication shall be annulled and the provisions of section 37 shall apply accordingly", the following words shall be substituted, namely:—

"the Court may annul the order of adjudication or make such other order as it may think fit, and if the adjudication is so annulled, the provisions of section 37 shall apply."