

DISTRESS FOR RENT, BENGAL ACT 1846

ACT No X OF 1846

(Rep., Act 10 of 1859)

[5th December 1846.]

Passed by the Hon'ble the President of the Council of India in Council on the 5th December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for regulating the proceedings in certain cases of distraint for Arrears of Rent.

I. It is hereby enacted, in modification of Section 9, Regulation VII. of 1799, Section 9, Regulation V. of 1800, and Clause 2, Section 17, Regulation XXVIII. of 1803, all of the Bengal Code, that if any person not being such a defaulter as is therein mentioned or responsible for him, shall claim as his right property which has been distrained for arrears of rent due from the said defaulter, and shall within five days, reckoning from the day after attachment, enter into a bond before the Collector of the Zillah or the Commissioner appointed under Act I. of 1839, with good security binding himself to institute before the Collector within fifteen days from the date of such bond, as summary suit against the distrainer and defaulter for the trial of the right, and to restore the property or make good its value in case the claim be disallowed with all costs of suit and damages, the distrainer shall immediately withdraw the attachment.

II. Provided always and it is hereby enacted, that if the claimant shall not within the said fifteen days institute such summary suit, it shall be lawful for the distrainer to recover the value of the property distrained, together with the expences of the attachment, by attachment and sale of the personal property of the claimant, or his surety, or both, unless the claimant shall restore the property, or, if the distrainer prefer it, make good its value.

III. And it is hereby enacted, that no suit to set aside the summary award of the Collector under this Act, shall be brought after the expiration of the year from the date of such award.

