

DEFECTS IN CIVIL PROCEDURE ACT 1847

ACT No XVII OF 1847

(Rep., Act 12 of 1873)

[6th November, 1847.]

Passed by the Hon'ble the President of the Council of India in Council on the 6th November 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for remedying a defect in the Law regarding undiscovered defaults in the prosecution of Suits.

WHEREAS inconvenience has resulted from the rule that the discovery of defaults in the prosecution of suits and appeals brought in any Court of the East India Company, within the Territories subject to the Presidencies of Bengal and Madras, invalidates all proceedings in such suits and appeals, which may have been had since the occurrence of such default:

It is hereby enacted, that in the said Courts every default of a plaintiff or appellant, in all suits or appeals now pending or hereafter to be brought, and in all suits which have been decided but are still open to appeal, shall be held to be cured whenever the opposite party, passing over the default, shall have taken any step in the suit or appeal, and whenever the Court shall have passed judgment in the suit or appeal, whether such opposite party shall or shall not have taken any such step.
