

ACT No. XIII OF 1866.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 23rd March 1866).

An Act to exempt certain suits in Oude from the operation of the rules of limitation in force in that Province.

WHEREAS it is expedient to exempt certain suits in Oude relating to land from the operation of the rules of limitation in force in that Province ; It is enacted as follows :—

Preamble.

1. No suit relating to any tenure which, under the provisions of Act No. XVI of 1865, shall be solely cognizable in the Courts of Revenue in the said Province, shall be barred under the rules of limitation in force in such Courts if the cause of suit shall have arisen on or after the 13th day of February 1844. And any suit or appeal relating to any tenure and cognizable as aforesaid, which may have been rejected or dismissed upon the ground that the suit was barred under the said rules, may be revived and heard on the merits, if the cause of suit shall have arisen on or after such day.

Certain suits relating to tenures not to be barred if cause of suit arose on or after 13th February 1844.

2. When a mortgagee shall, under or by virtue of a mortgage executed before the said day, have obtained possession of any land comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring a suit in any Civil Court or any Revenue Court in the said Province to redeem the mortgage of such land, any subsequent acknowledgment of the title or right to redeem of the mortgagor, or of any person claiming through him, notwithstanding. Provided that any suit for the redemption of land, which may have been rejected or dismissed upon the ground that the suit was barred under some rule of limitation in force, or supposed to be in force, in the said Province, may be revived and heard as aforesaid, if the mortgage shall have been executed on or after the said day.

Bar of redemption-suits when mortgage executed before 13th February 1844.

Certain redemption-suits may be revived when the mortgage was executed on or after 13th February 1844.

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3. Nothing herein contained shall be taken to bar a suit for redemption in any case where, by the instrument of mortgage, a term was fixed within which the property comprised therein might be redeemed, and such term had not expired before the 13th day of February 1856; Provided that if any such term had expired before that day, the suit shall be barred, whatever may have been the date on which the instrument was executed.

This Act to be read with Act No. XVI of 1865.

4. This Act shall be read with and taken as part of the said Act No. XVI of 1865.