

ACT No. XVII OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 17th
September, 1886.)*

An Act to annex the Town and Fort of Jhānsí and certain adjacent Territory to the Jhānsí District, and for certain other purposes.

1. (1) This Act may be called the Jhānsí and Morar Act, 1886; and

Short title
and com-
mencement.

(2) It shall come into force on a date to be appointed in this behalf by the Lieutenant-Governor of the North-Western Provinces, which date is in this Act referred to as the commencement of this Act.

PART I.

WHEREAS since the beginning of March, 1886, the town and fort of Jhānsí have been ceded to the British Government in full sovereignty by His Highness the Mahārājā Scindia in exchange for the cantonment of Morar which has been ceded to His Highness in full sovereignty by the British Government;

And whereas the town and fort of Jhānsí have been declared by the Governor General in Council to be subject to the Lieutenant-Governorship of the North-Western Provinces;

And whereas it is proposed that certain lands adjacent to the Jhānsí district should be ceded to the British Government in full sovereignty by His Highness in exchange for certain other lands to be ceded to His Highness in full sovereignty by the British Government;

And

And whereas it is expedient that the town and fort of Jhānsī, and the lands to be ceded to the British Government, should be annexed to the Jhānsī district, and that the law in force therein should be the same as the law in force in that district;

And whereas it is also expedient that the town and fort, and the lands which may be ceded to the British Government, should, for the purposes of the Scheduled Districts Act, 1874, form part of the Jhānsī district; XIV of 187.

It is hereby enacted as follows:—

Annexation of ceded lands to Jhānsī district.

2. The town and fort of Jhānsī, and the lands which may be ceded to the British Government in accordance with the proposal referred to in the preamble to this Part, shall, in the case of the town and fort, from the commencement of this Act, and, in the case of any of the lands, from the date of the cession thereof, be deemed to be part of the Jhānsī district.

Assimilation of law in force in ceded lands to law in force in Jhānsī district.

3. All enactments which at the commencement of this Act, or at the date of the cession of any of the lands referred to in the last foregoing section, are or shall be in force in the Jhānsī district and not in the town and fort of Jhānsī or in those lands, shall then come into force in the town and fort or in those lands, as the case may be.

Ceded lands to become part of the scheduled district of Jhānsī.

4. On and from the commencement of this Act, or the date of the cession of any of those lands, as the case may be, the town and fort of Jhānsī and the lands shall be deemed to form part of the district of Jhānsī mentioned in Part IV of the first schedule to the Scheduled Districts Act, 1874.

Validation of acts done since the beginning of March, 1886.

5. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in or with respect to the town and fort of Jhānsī since the beginning of March, 1886, and before the commencement of this Act, by any officer of the Government, or by any person acting under his authority or otherwise in pursuance of an order of the Government, or which have been or shall be ratified by the Lieutenant-Governor of the North-Western Provinces, shall be as valid and operative as

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if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

PART II.

AND whereas it is expedient that decrees and orders passed by the Civil and Revenue Courts of His Highness in cases which would have been cognizable by the Civil and Revenue Courts of the Jhānsí district under the Code of Civil Procedure or the Jhānsí Courts Act, 1867, or the North-Western Provinces Rent Act, 1881, if the territory ceded by His Highness had been part of the Jhānsí district at the time of the institution of the cases, should be capable of being executed as if they had been made by the Courts of the Jhānsí district;

XIV of 1882.
XVIII of
1867.
XII of 1881.

And whereas the period of limitation prescribed for suits in the territories of His Highness is twelve years, and it is expedient that persons having just claims which, but for the cession of territory, they might have enforced in the Courts of His Highness, should not be debarred from enforcing those claims by reason of a shorter period of limitation being prescribed for any class of suits by the law in force in the Jhānsí district;

And whereas it is expedient that suits pending in the Courts of His Highness and left undetermined by those Courts by reason of cession of territory should be continued in the Courts of the Jhānsí district;

And whereas it is expedient to remove doubts as to the effect of the law in force in the Jhānsí district, with respect to registration and stamps, on documents and instruments to which at the time of their execution the law of His Highness applied and the law of British India did not apply;

It

It is hereby further enacted as follows :—

Execution of
decrees of
Gwalior
Courts.

6. (1) An application for the execution of a decree or order passed by a Civil or Revenue Court of His Highness in any such case as is referred to in the first clause of the preamble to this Part may, with the previous sanction of the Deputy Commissioner, be made to any Court in the Jhānsī district subordinate to the Court of the Commissioner which may be specified by the Deputy Commissioner in that behalf in his order giving the sanction.

(2) If in any case the Deputy Commissioner is of opinion that for special reasons the sanction ought to be withheld or ought to be granted subject to conditions, he may either withhold his sanction or permit the application to be made on any conditions which in the circumstances he deems it proper to impose; but in either of those cases he shall record the reasons in writing.

(3) The fact that an application is barred by the Indian Limitation Act, 1877, may be sufficient cause for withholding sanction to the making of the application, but in any case in which the holder of the decree or order has been debarred from enforcing it by reason of the cession of the town and fort of Jhānsī to the British Government, and to which the Deputy Commissioner sees fit to apply the provisions of that Act, the Deputy Commissioner shall, in computing the period of limitation, exclude therefrom the time which has elapsed between the cession of the town and fort and the commencement of this Act. XV of 1

(4) Subject to revision by the Commissioner of the Jhānsī Division, an order of the Deputy Commissioner sanctioning or refusing to sanction the making of an application under this section, or imposing conditions with respect thereto, shall be final.

Extension of
period of
limitation
for certain
suits.

7. (1) Notwithstanding anything in the Indian Limitation Act, 1877, or in any other enactment, the Deputy Commissioner may, within such term, not exceeding two years from the commencement of this Act, as the Local Government may prescribe in this behalf XV of 1

behalf, admit any suit of a nature cognizable by the Courts of British India, which, if there had not been a cession of territory and the suit had been instituted in a Court of His Highness having jurisdiction with respect thereto, would not be liable to be dismissed by that Court by reason of its being barred by any law of limitation.

(2) In the computation of the period of limitation for a suit referred to in sub-section (1) which the plaintiff has been debarred from instituting by reason of the cession of the town and fort of Jhānsi to the British Government, there shall be excluded from the period the time which has elapsed between the cession of the town and fort and the commencement of this Act.

(3) Subject to revision by the Commissioner of the Jhānsi Division, an order of the Deputy Commissioner admitting or refusing to admit a suit under sub-section (1) shall be final.

8. An original suit pending in a Court of His Highness and left undetermined by that Court by reason of cession of territory may be continued, under the law of limitation applicable to that Court, but otherwise in accordance with the law and procedure of British Indian Courts, in any Court in the Jhānsi district subordinate to the Court of the Commissioner which the Deputy Commissioner may appoint in that behalf.

Continuance
of pending
suits.

9. The provisions of the law of British India with respect to the consequences of documents being unregistered or instruments being unstamped shall not apply to any document or instrument which may have been executed before a date to be prescribed in this behalf by the Local Government, and to which the law of His Highness applied, and the law of British India did not apply, at the time of its execution.

Saving in
favour of
unregistered
documents
and unstamp-
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PART III.

AND whereas it is expedient that traders and others who were entitled immediately before the cession of the

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the cantonment of Morar to institute certain suits in, or make applications for or with respect to the execution of certain decrees to, a Civil Court at Morar should be enabled to institute those suits in, and make those applications to, the Civil Courts at Jhānsí and Agra, and at any other place from time to time appointed in this behalf by the Governor General in Council, and that the period of limitation in these cases should be extended ;

It is hereby further enacted as follows :—

Suits for debt formerly cognizable in a Morar Court to be cognizable in Courts at certain other places.

10. (1) Any person who at the date of the cession of the cantonment of Morar was entitled to institute in a Civil Court at Morar a suit of any of the descriptions referred to in articles 50 to 54 (both inclusive) or articles 56 to 64 (both inclusive) or articles 66 to 75 (both inclusive) of the second schedule to the Indian Limitation Act, 1877, or to make to any such Court an application for or with respect to the execution of a decree in any such suit, may institute the suit or make the application in any Civil Court at Jhānsí or Agra, or other place appointed in that behalf by the Governor General in Council, which would have jurisdiction in the suit to be instituted, or, as the case may be, would have had jurisdiction in the suit in which the decree to be executed was passed, if the cause of action had arisen within the local limits of its jurisdiction.

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(2) Notwithstanding anything in any enactment or notification to the contrary, any Civil Court at Jhānsí or Agra, or other place aforesaid, in which any such suit or application as is referred to in sub-section (1) is instituted or made shall, subject to the provisions of that sub-section, have jurisdiction to dispose of it.

(3) In computing the period of limitation for any suit or application referred to in this section, the time which has elapsed between the date of the cession of the cantonment of Morar and the commencement of this Act shall be excluded.