

ACT No. II OF 1906.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th
March, 1906.)

An Act to amend the Sindh Incumbered Estates Act, 1896.

WHEREAS it is expedient to amend the Sindh Incumbered Estates Act, 1896; It is hereby enacted as follows:—

1. This Act may be called the Sindh Incumbered Estates (Amendment) Act, 1906. Short title.

2. In section 2 of the Sindh Incumbered Estates Act, 1896, there shall be substituted— Amendment of Act XX, 1896, section 2.

(a) in clause (2), for the words "and to whom, or to whose ancestor, a sanad has been, or hereafter may be, granted confirming such continuance" the words "as a jágir," and

(b) in clause (3), for the words "commencement of this Act" the words and figure "making of an application under section 3 by or in respect of or on behalf of such person."

3. Section 5 of the said Act shall be renumbered 5 (1), and the following shall be inserted thereafter, namely:— Amendment of section 5.

"(2) Every direction given under sub-section (1) shall be deemed to afford protection to sureties of the debtor as well as to the debtor himself, unless in any case a surety has, by his bond, expressly accepted liability thereunder in the event of an order being made in respect of the debtor's property under section 7, sub-section (2), clause (c)."

4. After clause (2) of section 9 of the said Act the following shall be inserted, namely:— Amendment of section 9

"(2a) clauses (1) and (2) shall be deemed to afford protection to sureties of the debtor as well as to

Incumbered Estates (Sindh). [ACT II

to the debtor himself, unless in any case a surety has, by his bond, expressly accepted liability thereunder in the event of an order being made in respect of the debtor's property under section 7, sub-section (2), clause (c)."

Amendment
of section 10.

5. In section 10 of the said Act,—

(a) for the words "and profits", in both places where they occur, the words "profits and other sums" shall be substituted, and

(b) after the word "Government" the words "including the power conferred by section 176 of the Bombay Land-revenue Code, 1879," shall be inserted.

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Amendment
of section 22.

6. (a) Section 22 of the said Act shall be renumbered 22 (1).

(b) The words "dated within the three years immediately preceding the commencement of the management", in the said section 22 (1), are hereby repealed.

(c) After the said section 22 (1) the following shall be inserted, namely:—

"(2) Whenever the manager sets aside or cancels a lease under sub-section (1), he shall, by written order, award to the lessee such compensation, if any, as may appear to the manager to be equitable in the circumstances; and, subject to the provisions of Chapter VI, no compensation in excess of the amount so awarded shall be recoverable by the lessee in a Civil Court or otherwise.

(3) Any compensation awarded by the manager under sub-section (2) shall be deemed to be a debt mentioned in section 8, and shall rank in priority to all other debts and liabilities other than debts or liabilities due or incurred to Government.

(4) If any lessee whose lease has been so set aside or cancelled refuses or neglects to give up possession when required to do so by the manager, the manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said

lessee

1906.]

Incumbered Estates (Sindh).

lessee and any other person obstructing or resisting
on his behalf."

1881. 7. The Sindh Incumbered Estates Act, 1881, and Repeal.
1884. the Sindh Incumbered Estates Act, 1884, are hereby
repealed.