

ACT No. IX OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 26th February, 1926.)

An Act to amend the Presidency-towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920.

WHEREAS it is expedient to extend the operation of the Presidency-towns Insolvency Act, 1909, to the town of Karachi and to amend the said Act and the Provincial Insolvency Act, 1920, for the said purpose, and for the further purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Insolvency (Amendment) Act, 1926.

Short title and commencement.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In the preamble to the Presidency-towns Insolvency Act, 1909 (hereinafter referred to as the said Act), for the words "town of Rangoon" the words "towns of Rangoon and Karachi" shall be substituted.

Amendment of preamble to Act III of 1909.

3. After clause (b) of section 2 of the said Act the following clauses shall be inserted, namely:—

Amendment of section 2, Act III of 1909.

"(bb) 'judge' includes a Judicial Commissioner and an Additional Judicial Commissioner;

(bbb) 'limits of the ordinary original civil jurisdiction' means, in respect of the Court of the Judicial Commissioner of Sind, the limits of the municipal district of Karachi as from time to time constituted under the Bombay District Municipal Act, 1901, the Port of Karachi, the Cantonments of Karachi and Manora, and any area within the original civil jurisdiction of the said Court notified in this behalf by the Local Government."

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Insolvency (Amendment).

[ACT IX

Amendment of
section 3,
Act III of 1909.

4. In section 3 of the said Act,—

(a) in clause (a), for the words “ and Bombay ” the words “ Bombay and Rangoon ” shall be substituted; and

(b) for clause (b) the following clause shall be substituted, namely:—

“ (b) the Court of the Judicial Commissioner of Sind.”

Amendment of
section 4,
Act III of 1909.

5. In section 4 of the said Act, for the words “ Chief Judge ” the words “ Judicial Commissioner ” shall be substituted.

Amendment of
section 6,
Act III of 1909.

6. In sub-section (1) of section 6 of the said Act, for the words “ Chief Judge ” the words “ Judicial Commissioner ” shall be substituted.

Amendment of
section 7,
Act III of 1909.

7. In sub-section (1) of section 77 of the said Act, for the words “ and Bombay, and the Chief Judge of the Chief Court of Lower Burma ” the words “ Bombay and Rangoon and the Judicial Commissioner of Sind ” shall be substituted.

Amendment of
section 90,
Act III of 1909.

8. In sub-section (8) of section 90 of the said Act, for the words “ Chief Court of Lower Burma ” the words “ Court of the Judicial Commissioner of Sind ” shall be substituted.

Substitution of
new section 104,
Act III of 1909.

9. For section 104 of the said Act the following section shall be substituted, namely:—

Procedure on
charge under
section 103.

“ 104. (1) Where the Court is satisfied, after such preliminary inquiry, if any, as it thinks necessary, that there is ground for inquiring into any offence referred to in section 103 and appearing to have been committed by the insolvent, the Court may record a finding to that effect and make a complaint of the offence in writing to a Presidency Magistrate or a Magistrate of the first class having jurisdiction, and such Magistrate shall deal with such complaint in the manner laid down in the Code of Criminal Procedure, 1898.

V of 1898.

(2) Any complaint made by the Court under sub-section (1) may be signed by such officer of the Court as the Court may appoint in this behalf.”

Saving of
pending
proceedings.

10. Any proceedings under the Provincial Insolvency Act, 1920, pending in the Court of the Judicial Commissioner of Sind at the commencement of this Act, shall continue, and all the provisions of the said Act shall apply thereto as if this Act had not been passed.

V of 1920.

11. In

OF 1926.] *Insolvency (Amendment).*

V of 1920.

11. In the Provincial Insolvency Act, 1920,—

Amendment of
Act V of 1920.

(a) in the preamble, for the words "Town of Rangoon" the words "Towns of Rangoon and Karachi" shall be substituted;

(b) in clause (b) of sub-section (1) of section 2, for the words "and of the Town of Rangoon" the words "the Town of Rangoon and the limits of the ordinary original civil jurisdiction of the Court of the Judicial Commissioner of Sind as defined in section 2 of the Presidency-towns Insolvency Act, 1909" shall be substituted; and

III of 1909.

(c) for sub-sections (1), (2) and (3) of section 70 the following shall be substituted, namely:—

"70. Where the Court is satisfied, after such preliminary inquiry, if any, as it thinks necessary, that there is ground for inquiring into any offence referred to in section 69 and appearing to have been committed by the insolvent, the Court may record a finding to that effect and make a complaint of the offence in writing to a Magistrate of the first class having jurisdiction, and such Magistrate shall deal with such complaint in the manner laid down in the Code of Criminal Procedure, 1898."

Procedure on
charge under
section 69.

V of 1898.