

(1) பக்தங்களின் எண்ணிக்கை

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(2) புதுக்கித் திருப்பிய நான்

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(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம்

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தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Fidical துறை

அரசாணை எண்.	1610 C 21-22	அச்சகம்
மு. கோப்புத் தாள் எண்.		பலவகை
நாள் :	6.10.1869	199

மடிக்கவேர் தண்டபடி கையாளவோ கூடாது.

N^o 4/178

From

1610

E. C. Bayley Esquire
Secretary to the Govt. of India

to

The Chief Secy. to the Government
of Madras
Circular 14 September 1869

Home Departt. Secy,
Public

I am directed to transmit
the accompanying copy of an opinion

In the case of Kunhya Lall,
Debtor versus Riddhim Chli-
gor, referred by the Judge
of the Small Cause Court,
Delhi District. - 1610

of the High Courts & the
North Western Provinces
to the class of documents

admissible to special registrations under
Section 52 of Act XX of 1866, and to
request that the attention of the Local
Registrar General of Assurances may
be called to the views thereon expressed.

He should also be instructed to watch
the decisions in pari materia of the
other High Courts in India and
in case of a conflicting decision
to communicate it to the Local

Secretary to the Govt. of India

Copy of Opinion of the High Court North
Western Provinces on a reference from the
Judge of the Small Cause Court, Dehra
Dhun, in the case of Kumbha Datt,
Obligee, versus Buddhu, Obligors.

Where there has been an agreement to the effect mentioned in the 52^d section of the Registration Act (XX of 1866), and a record of that agreement according to the same section, the registered obligation to which the agreement relates may be enforced under the provisions of the 53^d section.

1610 ✓ In our judgment, the provisions of the Act concerning special registrations are generally applicable to obligations for the payment of money. Whether or not the instrument creating such an obligation provides also for the hypothecation, or charge of specific property, movable or immovable belonging to the debtor, is immaterial.

They are then B, not the less an ab-
legation within those sections of the act
by reason of its containing other provisions

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for the security of the obligee.

The recorded agreement of the parties in the case referred to us shows that it was their intention that the obligation should be capable of being summarily enforced under the Act, so far as it relates to the amount thereby secured; and the Act contains nothing to prohibit such an agreement, or to confine the provisions of the section relating to the "special registration of obligations for payment of money" in the manner suggested.

W. Morgan

Chief Justice

A. Ross

Judge

(True Copy)

Assistant Secretary

593

22/10/89

1610/3

Proceedings of the Madras Government, Judicial Department,
6th October 1869.

No. 21. Read the following letter from the Secretary to the Government of India, Home Department, (Public,) to the Chief Secretary to Government, Fort Saint George; dated Simla, 14th September 1869, No. 4178.

I am directed to transmit the accompanying copy of an opinion* of the High Court of the North-Western Provinces as to the class of documents admissible to special registration under Section 52 of Act XX. of 1866, and to request that the attention of the local Registrar General of Assurances may be called to the views therein expressed. He should also be instructed to watch the decisions *in pari materia* of the other High Courts in India, and in case of a conflicting decision to communicate it to the local Government in order that the matter may be brought to the notice of the Government of India.

Copy of opinion of the High Court, North-Western Provinces, on a reference from the Judge of the Small Cause Court, Dehra Dhoon, in the case of Kunhya Lall, obligee, versus Buddhun, obligor.

Where there has been an agreement to the effect mentioned in the 52nd section of the Registration Act (XX. of 1866), and a record of that agreement according to the same section, the registered obligation to which the agreement relates may be enforced under the provisions of the 53rd section.

2. In our judgment, the provisions of the Act concerning special registration are generally applicable to obligations for the payment of money. Whether or not the instrument creating such an obligation provides also for the hypothecation, or charge of specific property, movable or immovable belonging to the debtor, is immaterial.

3. It is, we think, not the less an obligation within those sections of the Act by reason of its containing other provisions for the security of the obligee.

4. The recorded agreement of the parties in the case referred to us shows that it was their intention that the obligation should be capable of being summarily enforced under the Act, so far as it relates to the amount thereby secured; and the Act contains nothing to prohibit such an agreement, or to confine the provisions of the section relating to the "special registration of obligations for payment of money" in the manner suggested.

(Signed) W. MORGAN,
Chief Justice.

(...) A. ROSS,
Judge.

No. 22. ORDER THEREON, 6th October 1869, No. 1610.

Resolved that copies of the foregoing letter from the Government of India, and its enclosure, be furnished to the Acting Registrar General of Assurances, and that his attention be drawn to the views expressed by the High Court, North-Western Provinces, regarding the class of documents admissible to special registration.

2. Resolved, also, that the Acting Registrar General be requested to watch the decisions of other High Courts in India, as suggested by the Government of India, and bring to the notice of this Government any conflicting decisions.

(True Extract.)

Actg. Secy. to Govt.

To the Acting Registrar General of Assurances.

J. W. Wright

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the

Secretary to the Government of India

16/10/94.
Here dated 14th Sept/89 No. 4173

Order thereon 6th Oct/89 No. 1610/94.

Resolved that
copies of the foregoing
letter from the Govern-
ment of India and
its enclosure, be furnished
to the Acting Registrar
General of Assurances,
and that his attention
be drawn to the views
expressed by the High
Court, North West
Provinces, regarding
the class of documents
admissible

16/10/94.
M. A.

Cont. of 1869

JUDICIAL

THE ACTING REGISTRAR
GENERAL OF ASSURANCES,

Dated October, 1894.

Recd.

G. O. 6th October 1893, No. 1610.

OCTOBER.
NOV. 21-22.

Drawing the attention of the Acting Registrar General to the views expressed by the High Court, North-Western Provinces, regarding the class of documents admissible to special registration, and requesting that order to watch the decisions of other High Courts in India, and bring to notice any conflicting decisions.

admissible to special
Registration.

2. Resolved, also,
that the Acting Registrar
be requested
to watch the decisions
of other High Courts
in India, as suggested
by the Government of
India, and bring to
the notice of this
Government any
conflicting decisions.

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To
The Ag. Registrar
of Assurance

Document to be
 to Special Regt.
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Cont. of 186 } Quadrant.

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⁷⁰
 The Regt. of Observance.

$\frac{25}{219}$

Date Oct 4 } 1869, No. 1610
 Recd.

Nos. 21, 22.

Having the attention of the
 Regt. of 1869, which was approved
 by the High Court of N. H. Province,
 regarding the class of them.
 which is admissible to special
 regulations, and regarding
 that Officer's watch the
 decisions of other High
 Courts in India, and bring to
 notice any conflicting de-
 cisions.

copy
 No.