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**MAHARASHTRA DEBT RELIEF (ADJUSTMENT OF DEBTS)  
RULES, 1964**

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**MAHARASHTRA DEBT RELIEF (ADJUSTMENT OF DEBTS)  
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In exercise of the powers conferred by sub-sections (1) and (2) of section 57 of the Maharashtra Debt Relief Act, 1975 (Mah.III of 1976), and all powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules under the Maharashtra Debt Relief Act, 1975, the same having been previously published as required by sub-section (3) of the said section 57, namely

**1. Short title :-**

These rules may be called the Maharashtra Debt Relief (Adjustment of Debts) Rules, 1979.

**2. Definitions :-**

In these rules the context otherwise requires

(a) "Act" means the Maharashtra Debt Relief Act, 1975 (Mah.III of 1976);

(b) "Form" means a form appended to these rules;

(c) "Section" means a section of the Act.

**3. Applications under sub-section (1) of section 24 :-**

(1) The application to be made by the debtor under sub-section (1) of section 24 shall be in Form I.

(2) The application to be made by a creditor under sub-section (1) of section 24 shall be in Form 2.

(3) Every application to be made under the preceding sub-rules shall be accompanied by copies of relevant documents such as decree of the Court, promissory note executed by the debtor, bill of exchange or hundi, deed of mortgage, assignment and such other documents evidencing the debt in question.

(4) Every debtor or creditor making such application shall present it in person to the Court during its working hours or shall send it to the Court by registered post.

**4. Applications under sub section (1) of section 27 :-**

All applications be made under sub-section (1) of section 27 shall be in Form 3. The applicant shall present them in person to the Court during its working hours or send them to the Court by registered post.

**5. Notice under sub section (3) of section 27 :-**

(1) On receipt of any application under sub-section (1) or (2) of section 27, the Court shall send a notice thereof to the creditor or creditors or the debtor, as the case may be, under a certificate of posting. A copy of such notice shall also be affixed on the notice board in the Court's premises.

(2) Every such notice shall state that the applications received by the Court shall be available for inspection in the office of the Court during working hours.

**6. Forms of statements to be submitted by debtor and creditor under section 28 :-**

The statements of debts to be submitted by a debtor and a creditor section 28 shall be in Forms 4 and 5 respectively.

**7. Determination of average gross annual income of debtor :-**

(1) For the purpose of determining the average gross annual income of a debtor during the five years immediately preceding the date of application made under section 24 (such period being hereinafter in this rule referred to as "the said specified"), the Court

shall,-

(i) in the case of a debtor who is a marginal farmer, small farmer or other agriculturist, obtain from the Tahsildar within the limits of whose jurisdiction, the debtor resides or holds agricultural land or other property, such particulars as it may consider relevant, as respects the debtor's land holding, the produce raised thereupon during the said specified period and the approximate value of such produce;

(ii) in the case of a debtor who is a worker, rural artisan or rural labourer, obtain from the Tahsildar within the limits of whose jurisdiction, the debtor resides or holds agricultural land or other property, such particulars as it may consider relevant, as respect the sources of his income and the approximate amount of annual income derived therefrom and in the case of a worker who is employed, shall in addition require such worker to produce a certificate of salary or wages paid to him annually during the said specified period, given by his employer.

**8. Form of award :-**

The award to be made by the Court under section 41 shall be in Form 6.

**9. Form of application under section 44 :-**

The form of application to be made under section 44 shall be in Form 7.

**10. Manner of sale of debtors property by officer of Court :-**

The officer who is ordered by the Court to sell any property of the debtor under section 44 shall sell it in accordance with the procedure laid down for sale under the Code of Civil Procedure, 1908 (5 of 1908) and upon effecting the sale, shall issue a certificate in Form 8 to the purchaser of the property.

**11. Recovery of Court fee :-**

The Court-fees recoverable under section 51 shall be recovered as arrears of land revenue.