

**Mewar Shishu Hitkarini Sabha Decree (Enforceability) Act,
1958**

26 of 1958

[06 June 1958]

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PREAMBLE

An Act to declare the decrees passed by the Shishu Hitkarini Sabha of the former Mewar State under Mewar Act of Sambat, 1994 (Mewar Ke Qarzdar Thikanon ka-Qanoon) to be enforceable as decrees of Civil Courts and to provide for the Institution of certain suits which were barred by the Act.

Whereas, according to the Mewar Act of Sambat, 1994 entitled "Mewar-keQarzdar Thikanon- ka-panoon" of the former Mewar State-

- (i) the holder of a Thikana in the former Mewar State placed under the administration of the Mewar ShiShu Hitkarini Sabha was not competent to contract new debts.
- (ii) a suit by a creditor of such holder was not entertainable in any Court,
- (iii) a suit pending at the time of the issue of a notice under the said Mewar Act for the proving of debts against such Thikana could not be proceeded within a Civil Court and was, according to the provisions of the said Act, to be treated as transferred to the said Sabha, and

(iv) the jurisdiction of Civil Courts was barred in respect of any claim against such Thikana, even though based on a previously arisen cause of action.

AND WHEREAS doubts are being entertained as to the validity of the said Mewar Act and as to the implied repeal thereof with the passing of the Rajasthan Court of Wards Act, 1951 (Rajasthan Act XXVIII of 1951).

AND WHEREAS the decrees passed by the said Sabha under the said Mewar Act are not enforceable as Civil Court decrees and there is reason to believe that some of the creditors of such Thikanas, while they could not bring suits in respect of their debts against such Thikanas in respect of causes of action that had arisen previously to the latter being placed under the administration of the said Sabha, were also afforded no opportunity to prove these debts before the said Sabha;

AND WHEREAS, with a view to mitigating the hardship thereby caused, it is expedient to make legislative pronouncements removing the aforesaid doubts, declaring the decrees of Civil Courts and providing for the exclusion of time to be calculated for the institution of certain suits;

BE it enacted by the Rajasthan State Legislature in the Ninth Year of the Republic of India as follows:-

1. Pub. in Raj. Govt. Gaz. Pt. 4 (A) Ext. dated June 13, 1958.

1. Short title :-

This Act may be called the Mewar Shishu Hitkarini Sabha Decrees (Enforceability) Act, 1958.

2. Definitions :-

In this Act, unless the subject or context otherwise requires,-

(i) "Mewar Act" means the Mewar Act of Sambat, 1994, entitled "Mewar-Ke Qarzdar Thikanon-Ka-Qanoon" of the former Mewar State; and

(ii) "Sabha" means the Mewar Shishu Hitkarini Sabha.

3. Declaration as to repeal of Mewar Act :-

For the removal of doubts it is hereby declared that the Mewar Act was repealed by implication on and from the date of commencement of the Rajasthan Court of Wards Act, 1951 (Rajasthan Act XXVIII of 1951) and is hereby repealed expressly;

Provided that, notwithstanding such repeal, everything done and action taken under the Mewar Act, hereby repealed, till immediately before the commencement of this Act, shall be deemed to have been done and taken as if the Mewar Act had not been so repealed.

4. Provisions as to decrees passed by the Sabha :-

(1) All decrees from time to time passed by the Sabha under the Mewar Act till immediately before the commencement of this Act and remaining unsatisfied in full at such commencement shall be deemed to be decrees passed by competent Civil Courts situated at Udaipur on the date of such commencement for the reliefs thereby originally granted and then remaining unsatisfied.

(2) No right of appeal or revision from the decrees deemed as aforesaid to have been passed by competent Civil Courts situated at Udaipur shall exist or be deemed ever to have existed and such decrees shall be executable and enforceable in accordance with law as if they were Civil Court decrees.

(3) All proceedings for the execution of such decrees, if pending, shall stand transferred to the competent Civil Courts situated at Udaipur.

(4) Notwithstanding the fact an application for the execution of any such decree may have been dismissed by a Court previously to the commencement of this Act for want of jurisdiction, such decree shall be executable and enforceable in accordance with law by the competent Civil Court referred to in sub-section (1).

5. Exclusion of time in computing period of limitation for instituting certain suits :-

Notwithstanding anything contained in the Mewar Act or in the Indian Limitation Act, 1908 (Central Act IX of 1908) or in any other law for the time being in force, any person having a debt outstanding against the holder of a Thikana place under the administration of the Sabha in accordance with the provisions of the Mewar Act whose claim is founded on a cause of action which arose previously to such Thikana being placed under the administration of the Sabha, and

(a) who had no opportunity to prove his debts before the Sabha, or

(b) who, notwithstanding such opportunity being afforded to him after the commencement of the Rajasthan Court of Wards Act, 1951 (Rajasthan Act XXVIII of 1951), did not prove his debts before the Sabha, may bring a suit based on such cause of action within a period of one year from the date of the commencement of this Act or within the period of limitation provided by law for such suit, whichever ever may be later.