

ORISSA ACT XVIII OF 1947

THE ORISSA MONEY-LENDERS
(AMENDMENT) ACT, 1947

[Received the assent of the Governor on the 1st June 1947, first published in an Extraordinary issue of the Orissa Gazette dated the 11th June 1947]

AN ACT TO AMEND THE ORISSA MONEY-LENDERS ACT, 1939

WHEREAS it is expedient to amend the Orissa Money-lenders Act, 1939, in the manner hereinafter appearing ; Orissa Act III of 1939.

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Orissa Money-lenders (Amendment) Act, 1947.

(2) It shall come into force at once.*

Amendment of section 2, Orissa Act III of 1939.

2. In section 2 of the Orissa Money-lenders Act, 1939 (hereinafter referred to as the said Act), for clause (j) the following clause shall be substituted, namely:— Orissa Act III of 1939.

“(j) money-lender means—

(1) In sections 4, 5, 6, 7, 8, 18 and 19, a person who advances a loan in the regular course of business of money-lending ; and

(2) In the remaining sections a person who advances a loan ;

and in both cases of (1) and (2) shall include a Hindu undivided family and the legal representatives and successors-in-interest, whether by inheritance, assignment or otherwise, of such a person who advances a loan.”

Amendment of section 9, Orissa Act III of 1939.

3. In section 9 of the said Act, for the words “brought by a money lender” the words “whether brought by a money-lender or by any other person” shall be substituted ;

Amendment of section 10, Orissa Act III of 1939.

4. In section 10 of the said Act—

(i) in sub-section (1) for the words “brought by a money-lender” the words “whether brought by a money-lender or by any other person” shall be substituted ;

(ii) after sub-section (2) the following sub-section shall be inserted, namely:—

“(3) Where a decree passed by a Court on the 1st April 1936 or thereafter on the basis of a loan remains unsatisfied in whole or in part on the date on which the Orissa Money-lenders (Amendment) Act, 1947, comes into force, the Court which passed the decree or the Court or other authority to which the decree is sent for execution shall, on the application of the judgment-debtor, exercise the powers specified in sub-section (2) and the decree shall be modified accordingly.”

* NOTE—Extended to all the partially-excluded areas by notification, 8th August 1947, Part III, page 252).

Amendment
of section 11,
Orissa Act
III of 1939.

5. In section 11 of the said Act—

(i) in sub-section (1) for the words “brought by as money-lender” the words “whether brought by a money-lender or by any other person” shall be substituted ;

(ii) in sub-section (2) for the word “may” the word “shall” shall be substituted.

Amendment
of section 13,
Orissa Act
III of 1939.

6. (1) Section 13 of the said Act shall be renumbered as sub-section (1) of the said section and in the said sub-section as so renumbered after the word “may” the following word shall be inserted, namely:—

“for reasons to be recorded in writing”

(2) To sub-section (1) as so renumbered the following sub-section shall be added, namely:—

“(2) Any person aggrieved by an order passed under sub-section (1) may appeal to the Court to which appeals from the Court executing the decree ordinarily lie.”

Amendment
of section 14,
Orissa Act
III of 1939.

7. Section 14 of the said Act shall be renumbered as sub-section (1) of the said section and to the said sub-section as so renumbered the following sub-section shall be added, namely:—

“(2) Any person aggrieved by an order passed under sub-section (1) may appeal to the Court to which appeals from the Court executing the decree ordinarily lie.”

Amendment
of section 15,
Orissa Act
III of 1939.

8. Section 15 of the said Act shall be renumbered as sub-section (1) of the said section and to the said sub-section as so renumbered the following sub-section shall be added, namely:—

“(2) Any person aggrieved by an order passed under sub-section (1) may appeal to the Court to which appeals from the Court executing the decree ordinarily lie:—

Amendment
of section 16,
Orissa Act
III of 1939.

9. In section 16 of the said Act—

(1) after the word “shall” the word “so far as may be” shall be inserted;

(2) in clause (i) for the words “brought by money-lenders” the words “whether brought by money-lenders or by any other person” shall be substituted.

Amendment
of section 13,
Orissa Act
III of 1939.

10. In section 17 of the said Act—

For the words “a usufructuary mortgage which is executed after the commencement of this Act” the following words shall be substituted, namely:—

“a usufructuary mortgage which is executed either before or after the commencement of the Act.”