



# The Orissa Gazette

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*Separate paging is given to this Part, in order that it may be filed as a separate compilation.*

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## PART IV.

Regulations, Orders, Notifications and Rules, of the Government of India, of the Government of Bihar, and of the High Court. Papers extracted from the *Gazette of India* and Provincial Gazettes. Orders of Commandants of Volunteers Corps.

### HOME, REVENUE AND FINANCE DEPARTMENTS.

#### NOTIFICATIONS.

*The 12th January 1937.*

No. 83-C.—The following notification by the Government of the Punjab is republished for general information.

By order of the Governor,

P. T. MANSFIELD,

*Chief Secretary to Government.*

HOME DEPARTMENT.

*Lahore, the 18th December 1936.*

No. 6311/9303-P, B.—In exercise of the powers conferred by section 99-A of the Code of Criminal Procedure, 1898, as amended by section 4 of the Indian States (Protection against Disaffection) Act, 1922, the Governor

in Council is pleased to declare to be forfeited to His Majesty every copy, wherever found, of the poster in Gurmukhi headed "Patiale di sikhi da Namuna: Parja Ghatak master Patiala Samjhote di mitti palit" printed at the Bharat Printing Press, Moga, district Ferozepore and published by the Secretary, Akali Jatha, Tehsil Barnala, Patiala State, and all other documents containing copies, reprints, or translation of or extracts from the said poster, on the ground that the said poster contains matter which brings or is intended to bring into hatred or contempt, or excites or is intended to excite disaffection towards the Ruler of the Patiala State; the publication of which is punishable under section 3 (1) of the Indian States (Protection against Disaffection) Act, 1922.

By order of the Governor in Council,

F. H. PUCKLE,

*Chief Secretary to Government, Punjab.*

*The 12th January 1937.*

**No. 35-C.**—The following notification by the Government of Burma is republished for general information.

By order of the Governor,

P. T. MANSFIELD,

*Chief Secretary to Government.*

MISCELLANEOUS DEPARTMENT.

*Rangoon, the 23rd December 1936.*

**No. 197.**—In exercise of the powers conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931 (Act No. XXIII of 1931), the Governor in Council hereby declares to be forfeited to His Majesty all copies, wherever found, of a magazine in Chinese entitled "Shengzo Zhsh", No. 10, Volume 2, dated the 5th October 1936, published at the Life Publishing Co., No. 384, Foochow Road, Shanghai, China, as it contains matter of the nature described in section 4 (1) of the said Act, namely, words tending to bring into hatred and contempt the Government established by law in British India, and to excite disaffection towards the said Government.

By order,

CHIT MAUNG,

*Secretary to the Govt. of Burma,  
Judicial Department.*

## LAW AND COMMERCE DEPARTMENT.

### NOTIFICATIONS.

*The 12th January 1937.*

**No. 219—HC2/37-Com.**—The following notification, issued by the Government of India in the Department of Finance (Central Revenues), is republished for general information.

By order of the Governor,

C. G. NAIR,

*Secretary to Government.*

### CENTRAL EXCISES.

*New Delhi, 28th November 1936.*

**No. 13.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Finance Department (Central Revenues) no. 72-Customs, dated the 20th October 1934, namely:—

In the said notification, for the words "in boxes or booklets not bearing" the words "otherwise than in boxes or booklets bearing" shall be substituted.

W. W. NIND,

*Joint Secy. to the Govt. of India.*

*The 12th January 1937.*

**No. 220—HC2/37-Com.**—The following notification, issued by the Government of India in the Department of Finance (Central Revenues), is republished for general information.

By order of the Governor,

C. G. NAIR,

*Secretary to Government.*

### CENTRAL EXCISES.

*New Delhi, 28th November 1936.*

**No. 14.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Finance Department (Central Revenues), no. 14-Central Excises, dated the 14th July 1934, namely:—

In the said notification, for the words "boxes or booklets" the words "packets, boxes, booklets or other containers" shall be substituted.

W. W. NIND,

*Joint Secy. to the Govt. of India.*

*The 12th January 1937.*

**No. 261 Com.**—The following notification, issued by the Government of India in the Department of Commerce, is republished for general information.

By order of the Governor,

C. G. NAIR,

*Secretary to Government.*

### TARIFF VALUATIONS.

*New Delhi, 19th December 1936.*

**No. 73-T. (6)/36.**—In exercise of the powers conferred by section 2 of the Indian Tariff Act, 1934 (XXXII of 1934), the Governor General in Council is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Department of Commerce, no. 73-T. (6)/36, dated the 12th December 1936, namely:—

In item no. 28 of the Import Tariff Schedule annexed to the said notification for the entry "4-10-0" in column 4 relating to "Soda ash including calcined natural soda and manufactured sesqui-carbonates" the entry "4-0-0" shall be substituted.

M. SLADE,

*Offg. Joint Secy. to the Govt. of India.*



**PUBLISHED UNDER THE AUTHORITY OF THE HIGH COURT OF JUDICATURE AT PATNA.**

**NOTIFICATIONS.**

*The 6th January 1937.*

**No. 17-S.**—It is hereby notified for general information that the Court in the exercise of the powers vested in it by section 15 of Act XII of 1887, is pleased to declare that all Subordinate Civil Courts in the province of Orissa, except in the districts of Ganjam and Koraput, shall be closed from the 18th to the 23rd January 1937, in view of the fact that the election of candidates to represent the General Muhammadan, Labour and Women's constituencies of the Orissa Legislative Assembly will take place during this period.

The Subordinate Civil Courts in the districts of Ganjam and Koraput shall remain closed for the above reasons on the 18th January 1937.

By order of the High Court,

J. G. SHEARER,

*Registrar.*

*The 11th January 1937.*

**No. 1-R.**—In supersession of the Court's notification no. 53-R., dated the 11th August 1936, the following draft amendments of Orders XXI and XXXIX of the first Schedule to the Code of Civil Procedure, 1903 (Act V of 1908), which are proposed to be made by the High Court of Judicature at Patna under section 122 of the said Code, are published for the information of persons likely to be affected thereby. The draft amendments will be taken into consideration on or after the 7th February 1937, and any objections or suggestions relating thereto which may be received by the undersigned before that date will be duly considered by the Court.

By order of the High Court,

J. G. SHEARER,

*Registrar.*

**ORDER XXI.**

*Rule 58.*

*Substitute the following for rule 58:—*

"58. (1) When any claim is preferred to any property, the subject-matter of execution proceedings, or any objection is made to the attachment thereof, on the ground that the applicant has an interest therein which is not bound under the decree, or that such property is not liable to attachment, the Court shall proceed to investigate the claim or objection with the like power as

regards the examination of the claimant or objector, and in all other respects, as if he was a party to the suit:

Provided that no such investigation shall be made where the Court considers that the claim or objection was designedly or unnecessarily delayed.

(2) Where the property to which the claim or objection applies has been advertised for sale, the Court ordering the sale may in its discretion make an order postponing the delivery of the property after the sale pending the investigation of the claim or objection. And in no case shall the sale become absolute until the claim or objection has been decided."

*Substitute the following for rule 59:—*

"59. The claimant or objector must adduce evidence to show that at the date of the decree or of the attachment, as the case may be, he had some interest in, or was possessed of, the property in question."

**RULE 60.**

*Substitute the following for rule 60:—*

"60. Where upon the said investigation the Court is satisfied that for the reasons stated in the claim or objection such property was not, at the date of the decree, or when attached, as the case may be, in the possession of the judgment-debtor or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the judgment-debtor at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the Court shall make an order releasing the property, wholly or to such extent as it thinks fit, from the execution proceedings, or from attachment.

Where the property has been sold, such order shall have the effect of setting aside the sale; and if it has been purchased by a third party in good faith, the Court may make such order for his compensation by the decree-holder or objector, to an extent not exceeding 12½ per cent. of the purchase price, as it thinks fit."

**RULE 61.**

*Substitute the following for rule 61:—*

"61. Where the Court is satisfied that the property was, at the time of the

decree, or of the attachment, as the case may be, in the possession of the judgment-debtor as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the Court shall disallow the claim."

ORDER XXXIX.

Rule 1.

*Substitute* the word "the" for the word "a" in line 1 of clause (a) of rule 1 and *add* the following provisos after rule 1:—

"Provided that no such temporary injunction shall be granted Act I of 1877 if it would contravene the provisions of section 56 of the Specific Relief Act (Act I of 1877).

Provided further that an injunction to restrain a sale, or confirmation of a sale, or to restrain delivery of possession, shall not be granted except in a case where the applicant cannot lawfully prefer, and could not lawfully have preferred, a claim to the property, or objection to the sale, or to the attachment preceding it, before the Court executing the decree."