

ORISSA REGULATION No. V OF 1949.

**THE ORISSA MONEY-LENDERS (AMENDMENT)
REGULATION, 1949.**

[*Received the assent of the Governor-General on the 23rd December 1949, first published in an extraordinary issue of the Orissa Gazettee, dated the 31st December, 1949*]

A**REGULATION**

TO AMEND THE ORISSA MONEY-LENDERS ACT, 1939

WHEREAS it is expedient to amend the Orissa Money-Lenders Act, 1939, in its application to all the partially-excluded areas of the Province of Orissa, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

Short title
and com-
mencement.

1. (1) This Regulation may be called the Orissa Money-Lenders (Amendment) Regulation, 1949.

(2) It shall come into force at once.

Amendment
of section
17. Orissa
Act III of
1939.

2. Section 17 of the Orissa Money-Lenders Act, 1939, shall in its application to all the partially-excluded areas of the Province of Orissa be renumbered as sub-section (1) of the said section and to the said sub-section as so renumbered the following sub-sections shall be added, namely :—

“(2) When the mortgagor is a member of a backward tribe as described in Part VI of the Thirteenth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936, the Special Assistant Agent, the Subdivisional Magistrate or any other officer specially empowered in this behalf by the District Magistrate, the Deputy Commissioner or the Agent to the Provincial Government, as the case may be, may, either on application by anyone interested or on his own motion, if he is satisfied on a summary enquiry that the mortgage shall be deemed to stand discharged under sub-section (1), decree ejectment against any person in possession of the property claiming under the mortgage and may restore it to the mortgagor or his heirs :

Provided that if the Special Assistant Agent, the Subdivisional Magistrate or any other officer so empowered, is satisfied that the mortgagor or his heirs are not traceable, he may settle such property with another member of the said backward tribe on such terms as he may think fit.

(3) Any person aggrieved by a decree or an order passed under sub-section (2) may prefer an appeal within thirty days from the date of the decree or order to the District Magistrate, the Deputy Commissioner or the Agent to the Provincial Government, as the case may be, and his decision shall be final and shall not be liable to be challenged in any other court of law."