



The Tamil Nadu Indebted Agriculturist (Temporary Relief) Act, 1976

Act 15 of 1976

Keyword(s):

Agricultural Land, Agriculturist, Debt, Pay, Suit

Amendments appended: 46 of 1976, 1 of 1977, 3 of 1977, 2 of 1978, 27 of 1978

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

PRESIDENT'S ACT NO. 15 OF 1976.*

**THE TAMIL NADU INDEBTED AGRICULTURISTS
(TEMPORARY RELIEF) ACT, 1976.**

[Received the assent of the President on the 16th April 1976,
first published in the Tamil Nadu Government Gazette
Extraordinary on the 17th April 1976 (Chithirai 5, Nala
(2007-Tiruvalluvar Andu)).]

Enacted by the President in the Twenty-seventh Year of
the Republic of India.

**An Act to provide temporary relief to indebted agricul-
turists in the State of Tamil Nadu.**

In exercise of the powers conferred by section 3 of the
Tamil Nadu State Legislature (Delegation of Powers) Act,
1976 (41 of 1976), the President is pleased to enact as
follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu
Indebted Agriculturists (Temporary Relief) Act, 1976.

(2) It extends to the whole of the State of Tamil
Nadu.

(3) It shall be deemed to have come into force on
the 15th day of January, 1976.

Definitions.

2. In this Act, unless the context otherwise
requires,—

(a) "agricultural land" means land used for
agriculture or horticulture, not being land appurtenant to a
residential building ;

(b) "agriculturist" means a person who owns an
interest in agricultural land, and who, by reason of such
interest, is in possession of such land or is in receipt of the
rents or profits thereof and shall include a lessee ; but shall
not include—

(i) a firm registered under the Indian Partnership
Act, 1932 (9 of 1932), or a company as defined in the
Companies Act, 1956 (1 of 1956), or a corporation formed

* For Reasons for the enactment, see *Tamil Nadu Government
Gazette Extraordinary*, dated the 17th April 1976, Part IV—Section
2, Page 153.

in pursuance of an Act of Parliament of the United Kingdom or of any special Indian Law, or

(ii) any person who was assessed to income-tax under the Income-tax Act, 1961 (43 of 1961), or to agricultural income-tax under the Tamil Nadu Agricultural Income Tax Act, 1955 (Tamil Nadu Act V of 1955), or to sales-tax under the Tamil Nadu General Sales Tax Act, 1959 (Tamil Nadu Act 1 of 1959), or under the Central Sales Tax Act, 1956 (74 of 1956), in any of the years 1971-72, 1972-73, 1973-74 and 1974-75.

Explanation.—Where a joint Hindu Family or a tarwad, tavazhi, kutumba or kavaru is an agriculturist, every coparcener or member of the tarwad, tavazhi, kutumba or kavaru, as the case may be, shall be deemed to be an agriculturist, provided that he has not been assessed to income-tax or agricultural income-tax or sales-tax in any of the years 1971-72, 1972-73, 1973-74 and 1974-75 ;

(c) “debt”—

(i) means any sum of money which a person is liable to pay under a contract (express or implied) for consideration received ; and

(ii) includes rent in cash or kind which a person is liable to pay or deliver in respect of the lawful use and occupation of agricultural land.

Explanation I.—For the purpose of this clause, “rent” in relation to agricultural land, shall mean rent accrued due for the fasli year ending with the 30th day of June, 1974 and for any previous fasli year.

Explanation II.—It is immaterial that the sum or produce is recoverable only by sale of property in enforcement of a mortgage or charge or that the contract was entered into by the person's predecessor-in-title or by the manager of the joint Hindu family or the karanavan of the tarwad or tavazhi or the yajaman of the kutumba or kavaru of which such person was or is a member.

Exception.—“Debt” does not include—

(i) rent or compensation for the use and occupation of house property ;

(ii) rent or compensation for the use and occupation of immovable property (not being house property or agricultural land) accrued due on or after the 16th day of January, 1975 ;

(iii) any liability arising out of a breach of trust ;

(iv) any liability in respect of maintenance ;

(v) any sum payable to the State Government or the Central Government or to any local authority, whether by way of revenue, tax, cess or loan or otherwise ;

(vi) any sum payable to any co-operative society, including a land development bank, registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961), provided that the right of the society to recover the sum did not arise by reason of an assignment made subsequent to the 15th day of September, 1974 ;

(vii) wages or remuneration due as salary, or otherwise for service rendered ;

(viii) any liability in respect of any sum due to—

(A) any banking company to which the Banking Regulation Act, 1949 (10 of 1949), applies ;

(B) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955) ;

(C) any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959) ;

(D) any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) ;

(E) the Agricultural Refinance and Development Corporation, established under the Agricultural Refinance and Development Corporation Act, 1963 (10 of 1963) ;

(F) any other financial institution notified by the State Government in the *Tamil Nadu Government Gazette* ;

¹[(ix) any liability incurred or arising under any chit, the bye-laws of which have been registered under the Tamil Nadu Chit Funds Act, 1961 (Tamil Nadu Act 24 of 1961).]

²[(x) any liability in respect of any sum due to any company which is declared to be a Nidhi or Mutual Benefit Society under sub-section (1) of section 620-A of the Companies Act, 1956 (Central Act 1 of 1956).]

(d) "pay", with its grammatical variations, includes deliver ;

(e) "suit" or "application" does not include an appeal from a decree or order passed in a suit or application or an application for revision or review.

3. No suit for the recovery of a debt shall be instituted, no application for the execution of a decree for payment of money passed in a suit for the recovery of a debt shall be made, and no suit or application for the eviction of a tenant on the ground of non-payment of a debt shall be instituted or made, against any agriculturist in any civil or revenue court on and from the date of commencement of this Act and before the expiry of ³[two years and six months] from the said date. Bar of suits and applications.

¹ This item was inserted and was deemed always to have been inserted by section 2 of the Tamil Nadu Debt Relief Laws (Amendment) Act, 1976 (President's Act 46 of 1976).

² This item was inserted and was deemed always to have been inserted by section 2 of the Tamil Nadu Debt Relief Laws (Second Amendment) Act, 1978 (Tamil Nadu Act 27 of 1978).

³ These words were substituted for the words "two years" by section 2 (a) of the Tamil Nadu Debt Relief Laws (Amendment) Act, 1978 (Tamil Nadu Act 2 of 1978). The words "two years" were earlier substituted by section 2 (a) of the Tamil Nadu Debt Relief Laws (Second Amendment) Act, 1977 (Tamil Nadu Act 1 of 1977) for the words "one year and six months" which in turn were substituted for the words "one year" by section 2 (a) of the Tamil Nadu Debt Relief Laws (Amendment) Act, 1977 (President's Act 3 of 1977).

Explanation I.—'Suit' does not include a claim to a set-off made in a suit instituted by an agriculturist.

Explanation II.—Where a debt is payable by an agriculturist jointly or jointly and severally with a non-agriculturist, no suit or application of the nature mentioned in this section shall be instituted or made either against the non-agriculturist or against the agriculturist before the expiry of the period mentioned in this section.

Explanation III.—A suit shall be deemed to be a suit for the recovery of a debt notwithstanding that other reliefs are prayed for in such suit, and a decree shall be deemed to be a decree for payment of money passed in such suit notwithstanding that other reliefs are granted by such decree:

Provided that a suit for possession of land shall not be deemed to be a suit for recovery of a debt by reason merely of mesne profits being also prayed for in such suit.

Stay of proceedings.

4. (1) All further proceedings in suits and applications of the nature mentioned in section 3 in which relief is claimed against an agriculturist, not being proceedings for the amendment of pleadings or for the addition, substitution, or the striking off of parties, but otherwise inclusive of proceedings consequent on orders or decrees made in appeals, revision petitions, or applications for review, shall, subject to the next succeeding sub-section, stand stayed until the expiry of ¹[two years and six months] from the date of commencement of this Act :

Provided that, in regard to property under attachment, the court may pass such orders as it deems necessary for the custody or preservation of the property or for the sale of such property if it is subject to speedy or natural decay, or, if in respect of it, the expenses of custody or preservation are considered excessive.

¹ These words were substituted for the words "two years" by section 2 (b) of the Tamil Nadu Debt Relief Laws (Amendment) Act, 1978 (Tamil Nadu Act 2 of 1978). The words "two years" were earlier substituted by section 2 (b) of the Tamil Nadu Debt Relief Laws (Second Amendment) Act, 1977 (Tamil Nadu Act 1 of 1977), for the words "one year and six months" which in turn were substituted for the words "one year" by section 2 (b) of the Tamil Nadu Debt Relief Laws (Amendment) Act, 1977 (President's Act 3 of 1977).

(2) On application made by the defendant or the respondent or by all the defendants or all the respondents, as the case may be, the stay effected by sub-section (1) in a suit or application shall be dissolved and the suit or application shall be proceeded with from the stage which had been reached when further proceedings in the suit or the application were stayed.

5. (1) In computing the period of limitation or limit of time prescribed for a suit for the recovery of a debt or an application for the execution of a decree passed in such suit, the time during which the institution of the suit or the making of application was barred by section 3 or during which the plaintiff or his predecessor-in-title, believing in good faith that section 3 applied to such suit or such application, refrained from instituting the suit or making the application, shall be excluded. Exclusion of time for limitation.

Explanation.—"Good faith" shall have the meaning assigned to it in clause (22) of section 3 of the General Clauses Act, 1897 (10 of 1897).

(2) Where in a suit or an application in which the question of exclusion of time under sub-section (1) arises, the defendant or the respondent, or one of the defendants or respondents, with respect to whom the question is raised, would have been an agriculturist but for the fact that in the year 1971—72, 1972—73, 1973—74, or 1974—75 he had been assessed to income-tax under the Income-tax Act, 1961 (43 of 1961), or to agricultural income-tax under the Tamil Nadu Agricultural Income-Tax Act, 1955 (Tamil Nadu Act V of 1955), or sales tax under the Tamil Nadu General Sales Tax Act, 1959 (Tamil Nadu Act 1 of 1959), or under the Central Sales Tax Act, 1956 (74 of 1956), it shall be conclusively presumed that, in refraining from instituting the suit or making the application, the creditor believed in good faith that such defendant or respondent was an agriculturist.

6. Every transfer of immovable property by a debtor entitled to the benefit of section 3 or section 4, made on or after the date of commencement of this Act and before Effect of transfer of immovable property by the debtor.

the expiry of [two years and six months] from the said date shall, in any suit or other proceeding, with respect to such transfer, be presumed, until the contrary is proved, to have been made with intent to defeat or delay the creditors of the transferor.

Act to override
other laws,
contracts, etc.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955), the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961), the Malabar Tenancy Act, 1929 (Tamil Nadu Act XIV of 1930), the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1968 (Tamil Nadu Act 16 of 1968), the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972), or in the Code of Civil Procedure, 1908 (5 of 1908), or in any other law for the time being in force, or any custom, usage or contract, or decree or order of a court or other authority.

Power to
make rules.

8. (1) The State Government may make rules to carry out the purposes of this Act.

(2) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette*, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every rule made under this Act shall, as soon as possible, after it is made, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may

¹ These words were substituted for the words "two years" by section 2 (c) of the Tamil Nadu Debt Relief Laws (Amendment) Act, 1978 (Tamil Nadu Act 2 of 1978). The words "two years" were earlier substituted by section 2 (c) of the Tamil Nadu Debt Relief Laws (Second Amendment) Act, 1977 (Tamil Nadu Act 1 of 1977) for the words "one year and six months", which in turn were substituted for the words "one year" by section 2 (c) of the Tamil Nadu Debt Relief Laws (Amendment) Act, 1977 (President's Act 3 of 1977).

be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

9. (1) The Tamil Nadu Indebted Agriculturists Repeal and (Temporary Relief) No. 2 Ordinance, 1976 (Tamil Nadu saving Ordinance 7 of 1976), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

PRESIDENT'S ACT NO. 46 OF 1976.*

THE TAMIL NADU DEBT RELIEF LAWS (AMENDMENT) ACT, 1976.

[Received the *assent* of the President on the 29th December 1976, first published in the Tamil Nadu Government Gazette Extraordinary on the 29th December 1976 (Margazhi 15, Nal: (2007—Tiruvalluvar Andu)).]

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act to amend the Tamil Nadu Debt Relief Laws.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976), the President is pleased to enact as follows:—

1. This Act may be called the Tamil Nadu Debt Relief Laws (Amendment) Act, 1976. Short title.

2. [The amendment made by this section has already been incorporated in the principal Act, namely, the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976).]

3. [The amendment made by this section has already been incorporated in the principal Act, namely, the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976 (President's Act 16 of 1976).]

4. [The amendment made by this section has already been incorporated in the principal Act, namely, the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976).]

* For Reasons for the enactment, see *Tamil Nadu Government Gazette Extraordinary*, dated the 29th December 1976, Part IV—Section 2, Page 354.

Exclusion of
time for
limitation and
dissolution of
stay of proceed-
ings in respect
of certain suits
and applica-
tions.

5. (1) Where, on or after the 15th day of January, 1976, but before the date of publication of this Act in the *Tamil Nadu Government Gazette*, any suit for the recovery of any amount towards any liability incurred or arising under any chit, the bye-laws of which have been registered under the Tamil Nadu Chit Funds Act, 1961 (Tamil Nadu Act 24 of 1961) could have been instituted or any application for the execution of a decree passed in any such suit could have been made but for the fact that the institution of the suit or the making of the application was barred by section 3 of the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976), or by section 4 of the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976 (President's Act 16 of 1976), as the case may be, then, in computing the period of limitation or limit of time prescribed for such suit or application, the period commencing on and from the 15th day of January 1976, and ending with the date of publication of this Act in the *Tamil Nadu Government Gazette* shall be excluded.

(2) Where any proceedings in any of the suits or applications of the nature mentioned in sub-section (1) were stayed by sub-section (1) of section 4 of the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976), or by sub-section (1) of section 5 of the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976 (President's Act 16 of 1976), as the case may be, the stay effected in respect of such proceedings by sub-section (1) of the said section 4 or by sub-section (1) of the said section 5, as the case may be, shall stand dissolved and such suit or application shall be proceeded with from the stage which had been reached when further proceedings in such suit or application were stayed.

Removal of
doubts.

6. (1) Any liability incurred or arising under any chit, the bye-laws of which have been registered under the Tamil Nadu Chit Funds Act, 1961 (Tamil Nadu Act 24 of 1961), shall be deemed never to have been discharged, every suit or other proceedings (including appeal, revision, attachment or execution proceeding) pending at the commencement of the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976), (hereinafter referred to as the said Act) against any debtor for the recovery of any debt in respect of any such liability (including interest, if any) shall be deemed never to have abated, and every mortgage executed by the debtor in respect of such liability in favour

of the creditor shall be deemed never to have been redeemed and the mortgaged property shall be deemed never to have been released in favour of such debtor under section 4 of the said Act, and any suit for the recovery of any amount liable under the chit from any debtor and any application for the execution of a decree passed in any such suit may be instituted or made, as if the said Act as amended by section 4 of this Act was in force at the relevant time.

(2) Every proceeding instituted under the provisions of the said Act, in respect of such liability as is referred to in sub-section (1) and pending before the Tahsildar or other authority on the date of publication of this Act in the *Tamil Nadu Government Gazette* shall abate.

(3) Nothing contained in this section shall be deemed to invalidate any proceeding in which the order passed has been executed or satisfied in full before the date of publication of this Act in the *Tamil Nadu Government Gazette*.

TAMIL NADU ACT NO. 1 OF 1977.

**THE TAMIL NADU DEBT RELIEF LAWS (SECOND
AMENDMENT) ACT, 1977.**

[Received the assent of the Vice-President acting as President on the 13th July 1977, first published in the Tamil Nadu Government Gazette Extraordinary on the 13th July 1977 (Ani 29, Pinkala (2008-Tiruvalluvar Andu)).]

**An Act further to amend the Tamil Nadu Debt Relief
Laws.**

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-eighth Year of the Republic of India as follows :—

Short title. 1. This Act may be called the Tamil Nadu Debt Relief Laws (Second Amendment) Act, 1977.

2. *[The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976).]*

3. *[The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976 (President's Act 16 of 1976).]*

Amendment of Tamil Nadu Act XXIII of 1943. 4. In the Tamil Nadu Pawnbrokers Act, 1943 (Tamil Nadu Act XXIII of 1943), in section 12-A, in sub-section (1), in clause (ii), for the figures, letters and words "15th day of July, 1977", the figures, letters and words "15th day of January, 1978" shall be substituted.

PRESIDENT'S ACT NO. 3 OF 1977.***THE TAMIL NADU DEBT RELIEF LAWS
(AMENDMENT) ACT, 1977.**

[Received the assent of the President on the 12th January 1977, first published in the Tamil Nadu Government Gazette Extraordinary on the 12th January 1977 (Margazhi 29, Nala (2007-Tiruvalluvar Andu)).]

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act further to amend the Tamil Nadu Debt Relief Laws.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976), the President is pleased to enact as follows:—

Short title. 1. This Act may be called the Tamil Nadu Debt Relief Laws (Amendment) Act, 1977.

2. [The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976).]

3. [The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976 (President's Act 16 of 1976).]

Amendment of Tamil Nadu Act XXIII of 1943.

4. In the Tamil Nadu Pawnbrokers Act, 1943, in section 12-A, in sub-section (1), in clause (ii), for the figures, letters and words "15th day of January, 1977", the figures, letters and words "15th day of July, 1977" shall be substituted.

*For Reasons of the enactment, see Tamil Nadu Government Gazette Extraordinary, dated the 12th January 1977, Part IV—Section 2, Pages 11-12.

TAMIL NADU ACT NO. 2 OF 1978.*

THE TAMIL NADU DEBT RELIEF LAWS (AMENDMENT) ACT, 1978.

[Received the assent of the President on the 12th January 1978, first published in the Tamil Nadu Government Gazette Extraordinary on the 12th January 1978 (Margazhi 28, Pinkala (2008--Tiruvalluvar Andu).]

An Act further to amend the Tamil Nadu Debt Relief Laws.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Tamil Nadu Debt Relief Laws (Amendment) Act, 1978. Short title.

2. [The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976).]

3. [The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976 (President's Act 16 of 1976).]

4. In the Tamil Nadu Pawnbrokers Act, 1943 (Tamil Nadu Act XXIII of 1943), in section 12-A, in sub-section (1), in clause (ii), for the figures, letters and words "15th day of January 1978", the figures, letters and words "15th day of July 1978" shall be substituted. Amendment of Tamil Nadu Act XXIII of 1943.

* For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 2nd January 1978, Part IV—Section 1, Pages 2—3.

TAMIL NADU ACT NO. 27 OF 1978.*

THE TAMIL NADU DEBT RELIEF LAWS (SECOND AMENDMENT) ACT, 1978.

[Received the assent of the President on the 8th June 1978, first published in the Tamil Nadu Government Gazette Extraordinary on the 13th June 1978 (Vaikasi 30, Kalayukti (2009—Tiruvalluvar Andu)).]

An Act further to amend the Tamil Nadu Debt Relief Laws.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Tamil Nadu Debt Relief Short title. Laws (Second Amendment) Act, 1978.

2. [The amendment made by this section has been incorporated in the principal Act, namely, the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976).]

3. [The amendment made by this section has been incorporated in the principal Act, namely, the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976 (President's Act 16 of 1976).]

4. [The amendment made by this section has been incorporated in the principal Act, namely, the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976).]

5. (1) Where, on or after the 15th day of January 1976, but before the date of publication of this Act in the Tamil Nadu Government Gazette, any suit for the recovery of any sum due to any company which is declared to be a Nidhi or Mutual Benefit Society under sub-section (1) of section 620-A of the Companies Act, 1956 (Central Act 1 of 1956), could have been instituted or any application for the execution of a decree passed in any suit could have been made

Exclusion of time for limitation and dissolution of proceedings in respect of certain suits and applications.

* For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 31st March 1978, Part IV—Section 1, Pages 343-344.

but for the fact that the institution of the suit or the making of the application was barred by section 3 of the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976), or section 4 of the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976 (President's Act 16 of 1976), as the case may be, then, in computing the period of limitation or limit of time prescribed for such suit or application, the period commencing on and from the 15th day of January 1976 and ending with the date of publication of this Act in the *Tamil Nadu Government Gazette* shall be excluded.

(2) Where any proceedings in any of the suits or applications of the nature mentioned in sub-section (1) were stayed by sub-section (1) of section 4 of the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976), or of section 5 of the Tamil Nadu Indebted Persons (Temporary Relief) Act, 1976 (Presidents' Act 16 of 1976), as the case may be, the stay effected in respect of such proceedings by sub-section (1) of the said section 4 or 5, as the case may be, shall stand dissolved and such suit or application shall be proceeded with from the stage which had been reached when further proceedings in such suit or application were stayed.

Removal of
doubts.

6. (1) Any liability in respect of any sum due to any company which is declared to be a Nidhi or Mutual Benefit Society under sub-section (1) of section 620-A of the Companies Act, 1956 (Central Act 1 of 1956), shall be deemed never to have been discharged, every suit or other proceedings (including appeal, revision, attachment or execution proceedings) pending at the commencement of the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976) (hereinafter referred to as the said Act) against any debtor for the recovery of any debt in respect of any such liability (including interest, if any) shall be deemed never to have abated, every movable property pledged by a debtor in respect of such liability in favour of such company shall be deemed never to have been released in favour of such debtor and every mortgage executed by the debtor in respect of such liability in favour of such company shall be deemed never to have been redeemed and the mortgaged property shall be deemed never to have been released in favour of such debtor, under section 4 of the said Act, and any suit for the recovery of any sum due to such company from any debtor and any application for the execution of a decree passed in any such suit may be instituted, or made, as if the said Act, as amended by section 4 of this Act, was in force at the relevant time.

(2) Every proceeding instituted under the provisions of the said Act, in respect of such liability as is referred to in sub-section (1) and pending before the Tahsildar or other authority on the date of publication of this Act in the *Tamil Nadu Government Gazette* shall abate.

(3) Nothing contained in this section shall be deemed to invalidate any proceeding in which the order passed has been executed or satisfied in full before the date of publication of this Act in the *Tamil Nadu Government Gazette*.