

BENGAL INDIGO CONTRACTS ACT, 1836

ACT NO. 10 OF 1836

[11th April, 1836.]

I. It is hereby enacted, that Clause Third, Section V., Regulation VI., 1823, of the Bengal Code, be repealed.

II. And it is hereby enacted, that whenever the right to Indigo Plant may be contested, and an order shall be passed, under the provisions of Clause Ninth, Section III., Regulation VI., 1823, of the Bengal Code, for the delivery of Indigo Plant to one of the parties claiming the same, such party shall not be allowed to cut or remove the Indigo Plant until he shall have given sufficient security to the satisfaction of Court trying the case, to make good any claim that shall be ultimately established to such Indigo Plant whether arising from a prior right to the produce of the land, or from an arrear of rent due on account of the specific parcel of land from which the Plant may have been produced.

III. And it is hereby enacted, that when a lawful contract shall have been made between a ryot and another party, by which contract the ryot shall have bound himself to cultivate Indigo Plant for the other party, or to deliver Indigo Plant to the other party, and when the other party shall have advanced money to the ryot for the purpose of enabling the ryot to fulfill such contract, then if any other person, knowing that such contract exist, and that such advance has been made, shall prevail upon the ryot to break such contract, the party who made the advance shall be entitled to proceed by civil action against the person who shall have so prevailed on the ryot, as well as against the ryot, and to recover from him or them, jointly or severally, damages to the extent of the injury sustained, together with costs of suit.

Provided, always, that nothing in this Section contained shall be construed to give a right of action against any person in consequence of any act, which that person may have done for the purpose of procuring payment of a debt, or performance of a lawful contract.

IV. And it is hereby enacted, that the Court trying any suit instituted under the provisions of Regulation VI., 1823, of the Bengal Code, or under the provisions of this Act, shall be authorized to examine both the plaintiff and the defendant whenever the Court shall deem such examination necessary to the ends of justice; and if the award be in favor of the defendant, to assign to the defendant a sum which may be a compensation to him for the expense and loss of time occasioned by the proceeding.

V. And it is hereby enacted, that it shall be competent to a Zillah or City Judge, to refer to a Principal Sudder Ameen or Sudder Ameen, according to the amount of their respective jurisdictions, any suit, whether regular or summary, which may be instituted under the provisions of Regulation VI., 1823, or under the provisions of this Act, to be enquired into and decided by the said Principal Sudder Ameen, or Sudder Ameen, in the same manner, and under the same rules, as such suit may be enquired into and decided by a Zillah or City Judge, any thing in the existing Regulations to the contrary notwithstanding.
