

Estates Partition Act, 1897

Section 8 - Added by the Orissa Estates Abolition

Amendment) Act, 1960 (Orissa Act 2 of 1961), s. 2 (a) Provided also that the payment of any amount on account of any such rents, cesses, royalties and other dues made to the outgoing Intermediary in pursuance of the orders of any Court of Law shall constitute a valid discharge. (c) 1 [x x x x] (d) All arrears of revenue and cesses remaining lawfully due on the date of vesting 2 [and all other dues payable to the State Government] in respect of any such estate and [* * * *] 3 recoverable as arrear of land revenue shall, after such date, be recoverable and continue to be so recoverable from the outgoing intermediary by whom they were payable 4 [* * *] 5 [* * *] 6 [Provided that all arrears and other dues as aforesaid together with interest, if any, as may be lawfully due thereon on the date of vesting shall on that stand adjust towards the amount of compensation payable to such Intermediary. 7 [Explanation The expression arrears of revenue and cess in relation to an estate vested in the State, as all mean the amount of land revenue and the amount of cess in respect of such estate for any period prior to the date of vesting, which amount shall bear the same proportion to the total amount of land revenue or, as the case may be, to the total amount of cess, of such estate payable for the whole year as the period prior to the date of vesting, bears to the whole year. (e) No suit shall lie in any Civil Court in respect of any money due from such intermediary the payment of which is secure by a mortgage of or is a charge on such estate and all suits, executions and other proceedings in respect of the mortgage or charge which be pending on the date of vesting shall be 8 [dropped] ; 9 [Provided that in cases of suits, executions and other proceedings referred to above in which the validity of the claim under the mortgage or the charge is disputed by the intermediary the said court shall, instead of dropping suits, hear and dispose them of]; (f) No such estate shall be liable to attachment or sale under the processes of any court and any order of attachment passed in respect of such estate prior to the date of vesting shall, with effect from the date of vesting, cease to have any effect; (g) The Collector or any other officer appointed by him shall take charge of such estate and of all interests vested in the State Government under this section: