



The Transfer of Property and the Indian Registration (Bombay Amendment)
Act, 1939

Act 14 of 1939

Keyword(s):

Central Act Amendment, The Transfer of Property Act, 1882, The Indian
Registration Act, 1908

Amendment appended: 57 of 1959

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**THE TRANSFER OF PROPERTY AND THE INDIAN REGISTRATION
(BOMBAY AMENDMENT) ACT, 1939.**

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PREAMBLE.

SECTIONS.

1. Short title.
2. Application of Act.
3. Amendment of section 52 of Act IV of 1882.
4. Amendment of sections 18 and 28 of Act XVI of 1908.

BOMBAY ACT No. XIV OF 1939¹.

[THE TRANSFER OF PROPERTY AND THE INDIAN REGISTRATION
(BOMBAY AMENDMENT) ACT, 1939.]

[15th June 1939]

Amended by Bom. 17 of 1945*

An Act to amend the Transfer of Property Act, 1882², and the Indian Registration Act, 1908², in their application to the Province of Bombay.

WHEREAS it is expedient to amend the Transfer of Property Act, 1882, and the Indian Registration Act, 1908, in their application to the Province of Bombay for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Transfer of Property and the Indian Registration Short title.
(Bombay Amendment) Act, 1939.

2. This Act shall apply to notices in respect of suits or proceedings which relate Application
to immovable properties situate wholly or partly in ^{of Act.} [the Greater Bombay] with
effect from such date as may be directed by the Provincial Government in this
behalf by notification in the *Official Gazette* :

Provided that the Provincial Government may by similar notification direct that the provisions of this Act shall apply to such notices relating to immovable properties situate wholly or partly in such other area as may be specified in the said notification.

IV of 1939. 3. Section 52 of the Transfer of Property Act, 1882, shall be renumbered as Amendment of section 52 of Act IV of 1932.
sub-section (I) of section 52 of the said Act and

(i) in sub-section (I) so renumbered after the word " question ", the words and figures " if a notice of the pendency of such suit or proceeding is registered under section 18 of the Indian Registration Act, 1908 ", and after the word " property " where it occurs for the second time, the words " after the notice is so registered ", shall be inserted ; and

XVI of 1908.

(ii) after the said sub-section (I) so renumbered the following shall be inserted, namely :—

" (2) Every notice of pendency of a suit or proceeding referred to in sub-section (I) shall contain the following particulars, namely :—

(a) the name and address of the owner of immovable property or other person whose right to the immovable property is in question ;

(b) the description of the immovable property, the right to which is in question ;

(c) the court in which the suit or proceeding is pending ;

(d) the nature and title of the suit or proceeding ; and

(e) the date on which the suit or proceeding was instituted. "

* This Act was repealed and re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1939, Part V, p. 67 or *Bombay Legislative Assembly Debates*, 1939, Vol. 5, p. 3683, or *Bombay Legislative Council Debates*, 1939, Vol. 6, p. 767. For Proceedings in Assembly, see *Bombay Legislative Assembly Debates*, 1939, Vol. 5, pp. 3108-3111; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1939, Vol. 6, pp. 600-638.

² Central Acts.

³ These words were substituted for the words " the City of Bombay " by Bom. 17 of 1945, s. 9 and Sch. E read with Bom. 52 of 1947, s. 2, proviso.

Amendment
of sections 18
and 28 of
Act XVI of
1908.

4. In the Indian Registration Act, 1908,—

(1) in section 18—

(i) the word " and " after clause (e) shall be deleted ; and

(ii) after clause (e) the following shall be inserted, namely :—

"(ee) notices of pending suits or proceedings referred to in section 52 of ^{IV of} 1882.
the Transfer of Property Act, 1882 ; and " ; and

(2) in section 28 for the brackets, letters and word "(b) and (c)", the brackets, letters and word "(b), (c) and (ee)", shall be substituted.

**THE TRANSFER OF PROPERTY (BOMBAY PROVISION FOR
UNIFORMITY AND AMENDMENT) ACT, 1959.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Application of Act IV of 1882 to transfer of agricultural land in rest of State.
3. Extension of certain provisions of Bom. XIV of 1939 to rest of State.
4. Amendment of Act IV of 1882.
5. Repeal and Savings.

BOMBAY ACT No. LVII OF 1959.¹

[THE TRANSFER OF PROPERTY (BOMBAY PROVISION FOR UNIFORMITY AND AMENDMENT) ACT, 1959.]

[14th October 1959]

An Act to provide for uniformity in the provisions of the Transfer of Property Act, 1882 in its application to the State of Bombay and further to amend the said Act.

IV of 1882. WHEREAS in so far as the transfer of agricultural land is concerned, the Transfer of Property Act, 1882 applies only to the pre-Reorganisation State of Bombay, excluding the transferred territories, the Vidarbha region and the Kutch area, but does not apply to the Saurashtra and Hyderabad areas of the State of Bombay ;

IV of 1882. AND WHEREAS in the Saurashtra area, the Transfer of Property Act, 1882 as adapted and applied to that area by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948, and, in the Hyderabad area, the Hyderabad Act I of 1936 Fasli are respectively in force in relation to transfer of agricultural land ;

IV of 1882. AND WHEREAS it is expedient to provide for uniformity in the provisions of the Transfer of Property Act, 1882 in its application to the entire State of Bombay and to repeal the Acts mentioned in the preceding paragraph ;

Bom. XIV of 1939. AND WHEREAS it is expedient to extend to rest of the State of Bombay the Transfer of Property and the Indian Registration (Bombay Amendment) Act, 1939, in so far as it amends the Transfer of Property Act, 1882 ;

IV of 1882. AND WHEREAS it is expedient further to amend the Transfer of Property Act, 1882 in its application to the State of Bombay for the purposes hereinafter appearing ;

It is hereby enacted in the Tenth Year of the Republic of India as follows :—

1. This Act may be called the Transfer of Property (Bombay Provision for Uniformity and Amendment) Act, 1959. Short title.
2. Subject to the provisions of any special or local law relating to agricultural land for the time being in force in any area, the Transfer of Property Act, 1882 shall, on the commencement of this Act, apply also to transfer of agricultural land in the Saurashtra and Hyderabad areas of the State of Bombay. Application of Act IV of 1882 to transfer of agricultural land in rest of State.
3. The provisions of the Transfer of Property and the Indian Registration (Bombay Amendment) Act, 1939 which amend the Transfer of Property Act, 1882, in its application to the pre-Reorganisation State of Bombay, are hereby extended to, and shall be in force in, that part of the State of Bombay to which they did not extend immediately before the commencement of this Act ; and the Transfer of Property Act, 1882 shall, from the commencement of this Act, be deemed to be amended accordingly also in that part of the State. Extension of certain provisions of Bom. XIV of 1939 to rest of State.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1959, Part V, page 332.

Amendment
of Act IV of
1882.

4. In the Transfer of Property Act, 1882, in its application to the State of IV of Bombay (hereinafter referred to as "the principal Act") after section 1, the 1882. following section shall be inserted, namely :—

Application
of Act to
transfer of
agricultural
land in
Saurashtra
and Hydera-
bad areas of
State of
Bombay.

" 1A. Subject to the provisions of any special or local law relating to agricul-
tural land for the time being in force in any area, this Act shall, on the commence-
ment of the Transfer of Property (Bombay Provision for Uniformity and Amend- Bom. LVII
ment) Act, 1959, apply also to transfer of agricultural land in the Saurashtra and of
Hyderabad areas of the State of Bombay. " 1959.

Repeal and
savings.

5. The Transfer of Property Act, 1882 as adapted and applied to the Saurashtra IV of area of the State of Bombay by the State of Saurashtra (Application of Central 1882. and Bombay Acts) Ordinance, 1948 and the Hyderabad Act I of 1336 Fasli in its San. application to the Hyderabad area of the State of Bombay are hereby repealed : XXV
of
1948.

Provided that such repeal shall not affect—

(a) the previous operation of any law so repealed, or anything duly done or suffered thereunder ;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed ;

(c) any legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid ;

and any such legal proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed :

Provided further that, subject to the preceding proviso, anything done or any action taken under any such law shall, in so far as it is not inconsistent with the provisions of the principal Act, as amended by this Act be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken under the principal Act.

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