THE KARNATAKA DEBT RELIEF RULES, 1979

CONTENTS

Rules **Page No.**

1.Short title and commencement …….. ……183
2.Definitions …….. ……...183
(a)Form …….. ……...183
(b)Ordinance …….. ……..183
(c)Section …….. ……...183
3.Statement to be filed by creditor *etc*…….. ……183
4.Procedure to be followed in an enquiry under Section 4 ……...184
5.Procedure to be followed in an enquiry under sub-section (3) of Section 13 ….184
FORMS ……185-188

———

GSR 41.- In exercise of the powers conferred by sub-section (1) of Section 16 of the Karnataka Debt Relief Ordinance, 1979 (Karnataka Ordinance No.19 of 1979), the Government of Karnataka hereby make the following rules, namely.-

1. Short title and commencement.- (1) These rules may be called the Karnataka Debt Relief Rules, 1979.

(2) They shall come into force at once.

2. Definitions.- In these rules, unless the context otherwise requires.-

(a)**"Form**" means a form appended to these rules;

(b)"**Ordinance**" means the Karnataka Debt Relief Ordinance, (Karnataka Ordinance No.19 of 1979);

(c)"**Section**" means a section of ordinance.

3. **Statement to be filed by creditor etc.-** (1) A statement referred to in sub-section (1) of Section 4 shall be in Form 1 and an application referred in sub-section (2) thereof shall be in

Form 4.

4. Procedure to be followed in an enquiry under Section 4.- (1) In an enquiry under sub-section (3) of Section 4, the Assistant Commissioner shall serve a notice calling upon the respondent to appear before him on the date specified in the notice.

(2) The respondent shall be given an opportunity to file objection in writing and both sides shall be given reasonable opportunity to adduce evidence both oral and documentary in support of their respective contentions and to cross-examine the witnesses of the other side. The provisions of Section 34 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) shall apply of the recording of evidence.

(3) The order to be passed shall contain.-

(a) a concise statement of the case;

(b) the points for determination'

(c) the decision thereon;

(d) the reasons for such decision; and

(e) the relief granted.

(4) The order shall be pronounced in open Court and if the parties are present at the time of such pronouncement a copy of the order shall be furnished to both the parties free of cost and if the parties are not present a copy of the order shall be served on the parties in person or sent by registered post.

(5) An order under sub-section (3) of Section 4 shall also specify a date within which the creditor shall produce the document evidencing the debt and the moveable properties pledged, which shall not be less than thirty days from the date of service of the copy of the order on him.

(6)On production of the moveable properties in pursuance or an order under sub-section(3) of Section 4, the Assistant Commissioner shall prepare a statement containing the particulars of the said moveable properties and furnish a copy of it to the creditor of the person producing them.

(7) The Assistant Commissioner shall, immediately after the properties are produced before him by the creditor, deliver the same to the debtor after taking an acknowledgement from him in

Form 5.

5. Procedure to be followed in an enquiry under sub-section (2) of Section 5 or under sub section (3) of Section 13.- (1) Except as provided in sub rule (2), the procedure specified in Rule 4 shall *mutatis mutandis* apply to an enquiry under sub-section (2) of Section 5 or an enquiry under sub-section (3) of Section 13.

(2) The Assistant Commissioner shall in an enquiry under sub-section (3) of Section 13 take down the evidence of each witness and such evidence shall be written and signed by the Judge and shall form part of the record.

(3) A certificate of redemption shall be in From 4.

FORM 1

[See Rule3(1)]

Statement of particulars furnished by the Creditor under sub-section (1) of Section 4

Name, Address and Place of
business of the creditor.

Sl. No.	Name of the debt-or and full address	Date and nature of the document under which the debt is advanced	Amount advanced	rate of Interest
(1)	(2)	(3)	(4)	(5)

Amount due as on 14th November, 1979			Particular of the movable properties pledged
Principal	Interest	Total	
(6)	(7)	(8)	(9)

Place:

Date : Signature of the Creditor

FORM 2

[See Rule3(1)]

Application by the debtor for return of moveable properties pledged by him or his surety

To

The Assistant Commissioner,

……

……

I …… (name) son of …….. (Father's name) residing at……. …….do here state as follows.-

1.I have borrowed a sum of Rs……. On …….by pledging the movable properties belonging to me and/or my surety more fully described in the Schedule below.

2.I have paid so far a sum of Rs…… towards principle and a sum of Rs…….. towards interest to the creditor.

3.I am an agricultural labourer/Small farmer/a person belonging to the weaker sections of the people.

4.The following are immovable properties owned by me/my wife/or husband and children.-

Particulars of the immovable properties	Approximate value	Approximate income
in the name of the petitioner		
in the name of his wife/or her husband		
in the of minor children		

5.Therefore, I am a debtor under the Karnataka Debt Relief Ordinance, 1979 (Karnataka Ordinance No. 1 of 1979) and the debt due by me is deemed to have wholly discharged.

Hence, I pray that the moveable properties specified in the schedule below may be ordered to be returned to me/or my surety.

SCHEDULE

Particulars of the Moveable Properties Pledged

1.Moveable properties belonging to the debtor.

2.Moveable properties belonging to the surety.

Applicant What is stated above is true to the best of my knowledge and information.

Date :

Place: Applicant _____

FORM 3

[See Rule3(2)]

Certificate of Discharge

This is to that a debt of Rupees…… incurred by Sri…… …(debtor) by pledging the moveable properties on ……from Sri….. ……..(creditor) shall be deemed to have been wholly discharged in pursuance of an order passed under sub-section (3) of Section 4 of the Karnataka Debt Relief Ordinance, 1979 in case No… on the file the Assistant Commissioner …….

Seal

Assistant Commissioner

…...…….

Date:

FORM 4

[See Rule3(2)]

Certificate of Redemption

This is to that certify that the debt incurred by Sri……by mortgaging the scheduled immoveable properties under the mortgage deed dated……. from Sri ….. shall deemed to have been wholly discharged in pursuance of an order under sub-section (3) of Section 4 of the Karnataka Debt Relief Ordinance, 1959 (Karnataka No. 19 of 1979) in case No …….. on the file of the Assistant Commissioner…….. and the said mortgage is hereby redeemed.

SCHEDULE

Seal:

Date: Assistant Commissioner

FORM 5

[See Rule4(7)]

Acknowledgement by the Debtor

I ……. S/o …….. residing …….. debtor case No….. on file of the Assistant Commissioner…….. hereby acknowledgement the receipt of the following articles, namely.-

1.

2.

(here specify the particulars and full description of the articles received by the debtor)

Signature of the Debtor

Date…….