

THE PROVINCIAL INSOLVENCY (WEST PAKISTAN AMENDMENT)
ORDINANCE, 1959

(W.P. Ord. VIII of 1959)

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'THE PROVINCIAL INSOLVENCY (WEST PAKISTAN AMENDMENT) ORDINANCE, 1959

(W.P. Ord. VIII of 1959)

[25 March, 1959]

An Ordinance to consolidate the various amendments to the Provincial Insolvency Act, 1920, as applicable to the Province of West Pakistan.

Preamble. WHEREAS it is expedient to consolidate the various amendments to the Provincial Insolvency Act, 1920, as applicable to the Province of West Pakistan;

Now, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958, and having received the previous instructions of the President, the Governor of West Pakistan is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance:—

Short title. 1. This Ordinance may be called the Provincial Insolvency (West Pakistan Amendment) Ordinance, 1959.

Amendment of 2. After sub-section (2) of section 60 of the Provincial section 60 of Insolvency Act, 1920, hereinafter referred to as the principal Act V of 1920. Act, the following sub-section shall be added:—

"(3) In particular and without prejudice to the generality of sub-section (2), when the whole or any part of the estate of an insolvent consists of land, such land shall not be temporarily alienated by the receiver; but after the other property of the insolvent has been realized, the Court shall proceed in the manner provided in sub-section (1), and the Collector shall thereupon proceed to raise the amount required by means of a temporary alienation in such form and for such period as may be legally permissible and as he thinks fit, and shall hold at the disposal of the Court all sums which may thereby come to his

1 This Ord. was promulgated by the Governor of W.P. on 21st January, 1959; published in the W.P. Gazette (Extraordinary), dated

March, 1959; pages 199-200; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

hand:

Provided that such portions of the land shall be exempted from alienation as in the opinion of the Collector, having regard to the income of the judgement-debtor from all sources except such income as is dependent on the will of another person, is sufficient to provide for the maintenance of the insolvent and members of his family who are dependent on him, and such portion shall be deemed not to form part of the estate under administration.

Explanation— For purposes of sub-section (3), land means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes the sites of buildings and other structures on such land."

Repeal. 3. The enactments specified in the Schedule and amendments made by them in the principal Act are hereby repealed to the extent mentioned in the fourth column thereof.

(See schedule on next page)

SCHEDULE

(SECTION 3)

1 2 3 4

Year No. Short title Extent of repeal

1934 VII The Punjab Relief of Indebtedness Act, Section 3 and 4.

1934.

1939 II The Provincial Insolvency (Punjab The whole.

Amendment) Act, 1939.

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1939 XXV__ The Provincial Insolvency (Sind The whole.
Amendment) Act, 1939.

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