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[THE MESNE PROFITS AND IMPROVEMENTS ACT, 1855]

ACT NO XI OF 1855

[27th March, 1855]

An Act relating to mesne profits and to improvements made by holders under defective titles ?* * *.

WHEREAS it is expedient, * * * to limit the liability for mesne profits and to secure to bona fide holders under defective titles the value of improvements made by them; It is enacted as follows:-

1. 3No person chargeable with rent bona fide paid to holder under defective title. 'No person shall be chargeable with any rents or profits of any immovable property which he has bona fide paid over to any person of whom he bona fide held the same, notwithstanding it may afterwards appear that the person to whom such payment was made had no right to receive such rents or profits.

2. Value of improvements made by bona fide holders under defective titles secured to them. If any person shall erect any building or make an improvement upon any lands held by him bona fide in the belief that he had an estate in fee-simple, or other absolute estate, and such person, his heirs or assigns, or his or their under-tenants, be evicted from such lands by any person having a better title, the person who erected the building or made the improvement, his heirs or assigns, shall be entitled either to have the value of the building or improvement so erected or made during such holding and in such belief, estimated and paid or secured to him or them, or, at the option of the person causing the eviction, to purchase the interest of such person in the lands at the value thereof, irrespective of the value of such building or improvement:

Amount how fixed. Provided that the amount to be paid or secured in respect of such building or improvement shall be the estimated value of the same at the time of such eviction.

3. [Act to apply only to cases governed by English Law.] Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Sch. II.

'Short title given by the Short Titles Act, 1897 (14 of 1897).

The Act has been declared to be in force in all the Provinces and the Capital of the Federation, except the Act, 1874 (15 of 1874), s. 3.

It has been declared, by notification under s. 3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to be namely:-

Sind. . . . See Gazette of India, 1880, Pt. I, p. 672.

The Districts of Hazara, Peshawar, Kohat, Bannu, Dera Ismail Khan and Dera Ghazi Khan. [Portions of the

Dera Ismail Khan and Dera Ghazi Khan and the Districts of Peshawar and Kohat now form the N.W.F.P., ibid., 1902, Pt. I, p. 575; but its application to that portion of the Hazara District known as Upper Tanawal (Tanawal) Regulation, 1900 (2 of 1900)]-See Gazette of India, 1886, Pt. I, p. 48.

*Certain words omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3.

>The words in italics in the title and in the preamble, together with s. 1 rep. in places to which the Transfer is extended-See Act 4 of 1882; s. 2 and Sch.