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Persons absconding, etc, to avoid service of summons, etc., liable for damages

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[THE RECUSANT WITNESSES ACT, 1853]

ACT No. XIX OF 1853

[2nd December, 1853]

An Act to amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.

1-18. [Repeals; who may be witnesses; manner of summoning witnesses; contents of summons; summons how served; person summoned to produce a document.] Rep. by Act X of 1861.

19. [Witness not a party to suit not bound to produce his own title-deeds.] Rep. by the Indian Evidence Act, 1872 (I of 1872).

20-25. [Privileged communications; punishment for non-compliance with summons.] Rep. by Act X of 1861.

26. Persons absconding, etc, to avoid service of summons, etc., liable for damages. Any person, whether a party to the suit or not, to whom a summons to attend and give evidence or produce a document shall be personally delivered, and who shall, without lawful excuse, neglect or refuse to obey such summons, or who shall be proved to have absconded or kept out of the way to avoid being served with such summons, and any person who, being in Court and upon being required by the Court to give evidence or produce a document in his possession, shall, without lawful excuse, refuse to give evidence or sign his deposition, or to produce a document in his possession,

shall ?* * * be liable to the party at whose request the summons shall have been issued, or at whose instance he shall be required to give evidence, or produce the document, for all damages which he may sustain in consequence of such neglect, or refusal, or of such absconding, or keeping out of the way as aforesaid, to be recovered in a civil action.

27-39. [Property of person absconding liable for damages; costs and fines; appeal; postponement of trial; evidence to be taken down; evidence of females; power to require further evidence ; false evidence of parties punishable; deposition by parties not to be used in their own favour; no appeal against order for summons of witnesses.] Rep. by Act X of 1861.

40. [Documents referred to as a material proof to be filed with pleadings.] Rep. by Act X of 1855.

41-44. [Local extent; commencement.] Rep. by Act X of 1861.

¹Short title given by the Amending Act, 1897 (5 of 1897), Sch. III.

The words "in addition to any proceedings under this Act, "rep. by the Amending Act, 1891 (12 of 1891).