

CHAPTER 187.

IMMOVABLE PROPERTY (SALE OF INTERESTS).

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SECTION.

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CHAPTER 187.

IMMOVABLE PROPERTY (SALE OF INTERESTS).

An Ordinance to make provision in the case of dispute for the sale of undivided interests in immovable property. 27 of 1937.

[30TH DECEMBER, 1937.]

1. This Ordinance may be cited as the Immovable Property (Sale of Interests) Ordinance. Short title.

2. In this Ordinance unless the context otherwise requires, the expression— Interpre-
tation.

“owner” means any person who by transport, declaration of title, letters of decree, inheritance or devise, has acquired title to any share in any immovable property;

“party” includes “owner”;

“property” means immovable property;

“the Court” means the Supreme Court constituted by the Supreme Court Ordinance, and any amending Ordinance thereto. Cap. 7.

Sale and distribution of proceeds of immovable property.

3. Where immovable property is owned in undivided shares any owner may, by action, request the Court to direct a sale of the property and a distribution of the proceeds thereof between or among the parties interested.

Court shall direct sale of property of parties interested, when sale requested by owners of a moiety or upwards.

4. If the party or parties interested individually or collectively, to the extent of one moiety or upwards in the property to which the action relates, request the Court to direct a sale of the property and a distribution of the proceeds, the Court shall, unless it sees good reason to the contrary, direct a sale of the property accordingly and give all necessary or proper consequential directions.

Court to have discretion to order sale where sale is not requested by owner of a moiety or upwards.

5. If any party interested in the property to which the action relates requests the Court to direct a sale of the property and a distribution of the proceeds thereof, the Court may, unless the other parties interested in the property or some of them undertake to purchase the share of the party requesting a sale, direct a sale of the property and give all necessary or proper consequential directions and in the case of such undertaking being given the Court shall order a valuation of the share of the party requesting a sale in such manner as the Court thinks fit and may give all necessary or proper consequential directions.

On sale, Court may allow parties interested to bid.

6. On any sale under this Ordinance the Court may, if it thinks fit, allow any of the parties interested in the property to bid at the sale, on such terms as to non-payment of deposit, or as to setting off or accounting for the purchase money or any part thereof instead of paying the same, or as to any other matters, as to the Court may seem reasonable.

Parties to partition suit.

7. Any party may maintain such action against any one or more of the parties interested without serving the other or others (if any) of those parties and it shall not be competent to any defendant in the suit to object for want of parties, and at the hearing of the action the Court may direct such inquiries as to the nature of the property and the persons interested therein, and other matters as it thinks necessary or proper with a view to an order of sale being made on further consideration.

Powers to be additional.

8. All powers given by this Ordinance shall be in addition to and not in derogation of any other powers conferred by Ordinance, law or custom and such other powers may be exercised in the same manner as if this Ordinance had not been made:

Provided however that nothing in this Ordinance shall apply to any land or property which may be or is subject to the provisions of the District Lands Partition and Re-allotment Ordinance. Cap. 173.

9. The provisions of the Limitation Ordinance shall not apply to the exercise of any right of action conferred by this Ordinance. Exclusion. Cap. 26.

10. Rules of Court may be made under the provisions of the Supreme Court Ordinance for any of the purposes of this Ordinance. Rules of Court. Cap. 7.