

CHAPTER 60:01

IMMOVABLE PROPERTY (SALE OF INTERESTS) ACT

ARRANGEMENT OF SECTIONS

SECTION

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An Act 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 Act may be cited as the Immovable Property (Sale of Interests) Act. Short title.

2. In this Act— Interpretation.
c. 3:02

“the Court” means the High Court;

“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;

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“party” includes “owner”;

“property” means immovable property.

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. Court to have discretion to order sale where sale is not requested by owner 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.

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.

One sale, Court may, allow parties interested to bid.

6. On any sale under this Act 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

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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.

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

Powers to be additional.

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

c. 60:03

9. The Limitation Act shall not apply to the exercise of any right of action conferred by this Act.

Exclusion.
c. 7:02

10. Rules of Court may be made under the High Court Act for any of the purposes of this Act.

Rules of Court.
c. 3:02