



THE SPECIFIC RELIEF ACT, 1877



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THE SPECIFIC RELIEF ACT, 1877

¹Act No. I of 1877

[7th February, 1877]

An Act to define and amend the law relating to certain kinds of Specific Relief.

Preamble. WHEREAS it is expedient to define and amend the law relating to certain kinds of specific relief obtainable in civil suits; It is hereby enacted as follows :—

PART I

Preliminary

1. Short title. This Act may be called the Specific Relief Act, 1877.

Local extent. ²[It extends to the whole of Pakistan.]

Commencement. And it shall come into force on the first day of May, 1877.

2. [Repeal of enactments.] Rep. by the Amending Act, 1891 (XII of 1891).

¹For the Statement of Objects and Reasons, see Gazette of India, 1875, Pt. V, P. 258 ; for the Report of the Select Committee, see *ibid.*, 1876, Pt. V, p. 1445 ; for discussions in Council, see *ibid.*, 1875, Supplement, pp. 981 and 1025 ; *ibid.*, 1876, Supplement, p. 1284 and *ibid.*, 1877, Supplement, p. 177.

It has been extended, by notification under s. 5 of the Scheduled Districts Act, 1874 (14 of 1874), to the following Scheduled Districts, namely :-
the Scheduled Districts of the

Punjab . . See Gazette of India, 1877, Pt. I, p. 562.

Sind . . Ditto, 1880, Pt. I, p. 676.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications ; and extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

S. 9 has been declared to be in force in Balochistan by the British Balochistan Laws Regulation, 1913 (2 of 1913), s. 3. (w.e.f. 18th August, 1913).

It has also been extended to the Leased Areas of Balochistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950) (w.e.f. 15th August, 1947); and applied in the Federated Areas of Balochistan, see Gazette of India, 15th August, 1937, Pt. I, p. 1499.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (w.e.f. 14th October, 1955), for the original para, as amended by A. O., 1949, Arts. 3 (2) and 4. (w.e.f. 28th March, 1949).

3. Interpretation-clause. In this Act, unless there be something repugnant in the subject or context,—

“obligation” includes every duty enforceable by law:

“trust” includes every species of express, implied, or constructive fiduciary ownership:

“trustee” includes every person holding, expressly, by implication, or constructively, a fiduciary character:

Illustrations

- (a) Z bequeaths land to A, “not doubting that he will pay thereout an annuity of Rs. 1,000 to B for his life”. A accepts the bequest. A is a trustee, within the meaning of this Act, for B, to the extent of the annuity.
- (b) A is the legal, medical, or spiritual adviser of B. By availing himself of his situation as such adviser, A gains some pecuniary advantage which might otherwise have accrued to B. A is a trustee, for B, within the meaning of this Act, of such advantage.
- (c) A, being B’s banker, discloses for his own purpose the state of B’s account. A is a trustee, within the meaning of this Act, for B, of the benefit gained by him by means of such disclosure.
- (d) A, the mortgagee of certain leaseholds, renews the lease in his own name. A is a trustee, within the meaning of this Act, of the renewed lease, for those interested in the original lease.
- (e) A, one of several partners, is employed to purchase goods for the firm. A, unknown to his co-partners, supplies them, at the market-price, with goods previously bought by himself when the price was lower, and thus makes a considerable profit. A is a trustee for his co-partners, within the meaning of this Act, of the profit so made.
- (f) A, the manager of B’s indigo-factory, becomes agent for C, a vendor of indigo-seed, and receives, without B’s assent, commission on the seed purchased from C for the factory. A is a trustee, within the meaning of this Act, for B, of the commission so received.
- (g) A buys certain land with notice that B has already contracted to buy it. A is a trustee, within the meaning of this Act, for B, of the land so bought.
- (h) A buys land from B, having notice that C is in occupation of the land. A omits to make any inquiry as to the nature of C’s interest therein. A is a trustee, within the meaning of this Act, for C, to the extent of that interest.

“settlement “ means any instrument (other than a will or codicil as defined by the Indian Succession Act (X of 1865)¹) whereby the destination or devolution of successive interests in moveable or immoveable property is disposed of or is agreed to be disposed of:

Words defined in Contract Act. and all words occurring in this Act, which are defined in the Contract Act, 1872 ([IX of 1872](#)), shall be deemed to have the meanings respectively assigned to them by that Act.

4. Savings. Except where it is herein otherwise expressly enacted, nothing in this Act shall be deemed—

¹See now the Succession Act, 1925 (39 of 1925).