

The Transfer of Property Act, 1882

Chapter-IV Of Mortgages of Immovable Property and Charges

Notice and tender

Section 103: Notice, etc., to or by person incompetent to contract.

103. Where, under the provisions of this Chapter, a notice is to be served on or by, or a tender or deposit made or accepted or taken out of Court by, any person incompetent to contract, such notice may be served ¹[on or by], or tender or deposit made, accepted or taken, by the legal curator of the property of such person; but where there is no such curator, and it is requisite or desirable in the interests of such person that a notice should be served or a tender or deposit made under the provisions of this Chapter, application may be made to any Court in which a suit might be brought for the redemption of the mortgage to appoint a guardian ad litem for the purpose of serving or receiving service of such notice, or making or accepting such tender, or making or taking out of Court such deposit, and for the performance of all consequential acts which could or ought to be done by such person if he were competent to contract; and the provisions of ²[**Order XXXII in the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908)**] shall, so far as may be, apply to such application and to the parties thereto and to the guardian appointed thereunder.

Reference:

1. Ins. by s. 53, *ibid.*
 2. Subs. by s. 53, *ibid.*, for “Chapter XXXI of the Code of Civil Procedure”.
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