



## CHAPTER 101

An Act to amend the Code of Civil Procedure respecting  
the cancelling, in certain cases, of the registration of  
real rights

[Assented to, the 19th of February, 1932]

**HIS MAJESTY**, with the advice and consent of the  
Legislative Council and of the Legislative Assembly  
of Quebec, enacts as follows:

**1.** The Code of Civil Procedure is amended by adding C. C. P.,  
thereto, after Article 1088 thereof, the following Chapter **arts. 1088a-**  
and Articles: **1088d,**  
added.

### “ CHAPTER XLVIA

*“Cancelling of registration and of renewal of privileges and  
hypothecs*

**“1088a.** Any judge of the Superior Court of the district in which is situate an immoveable charged with a privilege or hypothec may, on a mere petition to that effect, order the cancelling of the registration or of the renewal of such privilege or hypothec effected without right or irregularly, or upon a void or informal title, or when the right registered has been annulled, rescinded or extinguished by prescription or otherwise. **Cancellation of registration on petition.**

**“1088b.** The petition shall be served in the manner ordered by the judge, unless, for sufficient reasons, he dispenses with the service. **Service.**

**“1088c.** The judge, upon such petition, orders such proof as he deems necessary; and, if the proof offered is sufficient, he orders the cancellation asked for and awards the costs. **Proof. Costs.**  
and determines the costs.

**Appeal.**

An appeal lies from the final judgment rendered by the judge in the same manner as from any final judgment of the Superior Court.

**Jurisdiction restricted.**

**"1088d.** The jurisdiction given to a judge of the Superior Court by Article 1088a cannot, in any instance, be exercised by the prothonotary."

**Coming into force.**

**2.** This act shall come into force on the day of its sanction.