



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-1088d, and Articles: 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without right or irregularly, or upon a void or informal title, or when the right registered has been annulled, rescinded or extinguished by prescription or otherwise.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 costs and determines the costs. Proof. 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.