



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART VIII

RULES OF LAW IN JUDICIAL MATTERS GENERALLY

93 Suits for possession of land by mortgagors

- (1) Unless an express declaration contained in the mortgage provides otherwise a mortgagor entitled for the time being to the possession or receipt of the rents and profits of any land as to which no notice of intention to take possession or to enter into the receipt of such rents and profits has been given by the mortgagee may—
 - (a) sign and cause to be served notices to quit;
 - (b) determine tenancies or accept surrenders thereof ;
 - (c) sue for such possession or for the recovery of such rents or profits or to prevent or recover damages in respect of any trespass or other wrong relative thereto in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person.
- (2) An action, suit or proceeding brought by virtue of subsection (1) shall not be defeated by proof that the legal estate in the land the possession of which is sought to be recovered, or in respect of which the rents or profits are sought to be recovered, or in respect of which the trespass or other wrong has been committed, is vested in a mortgagee.