

1966

*Present : Sirimane, J.*

K. P. C. MOOSA, Appellant, and Mrs. S. R. AMIR, Respondent

*S. C. 116/65—C. R. Colombo, 84,304*

*Rent Restriction (Amendment) Act, No. 12 of 1966—Sections 2, 3 and 4—Inapplicability to pending actions in respect of premises whose standard rent is over Rs. 100 per month—Inapplicability to restriction on sub-letting—Rent Restriction Act (Cap. 274), s. 9.*

Where a decree for ejectment on the ground of sub-letting was entered on 11th May 1965 against a tenant in respect of premises the standard rent on which was over Rs. 100 per month—

*Held*, that pending actions relating to rented premises the standard rent of which is over Rs. 100 per month are not covered by the provisions of section 4 of the Rent Restriction (Amendment) Act No. 12 of 1966.

*Held further*, that sections 2 and 3 of the amending Act in no way affect the provisions of section 9 of the principal Act No. 29 of 1948 restricting sub-letting of premises.

**A**PPEAL from a judgment of the Court of Requests, Colombo.

*G. T. Samerawickreme, Q.C.*, with *B. C. F. Jayaratne*, for the Defendant-Appellant.

*C. Ranganathan, Q.C.*, with *E. B. Vannitamby*, for the Plaintiff-Respondent.

September 29, 1966. SIRIMANE, J.—

The plaintiff-respondent had obtained a decree on 11.5.65, for ejectment against his tenant, the appellant, on the ground that the appellant had sub-let the premises in contravention of the provisions of section 9 of the Rent Restriction Act 29 of 1948. I see no reason to interfere with the finding of fact, that the appellant had sub-let the premises, the standard rent of which is over Rs. 100 per month.

<sup>1</sup> (1954) 1 W. L. R. 678.

By section 2 of the amending Act 12 of 1966 a new section, 12A (1) was introduced by which the right to institute proceedings for ejection from premises of which the standard rent for a month did not exceed Rs. 100, was restricted.

By section 3, the original section 12 was amended in order to make it clear that the provisions of that section now applied to premises, the standard rent of which was *over* Rs. 100 per month. The purpose of these provisions is to extend a greater measure of protection to tenants of *premises where the standard rent is below Rs. 100 per month.*

By section 4 of the amending act the provisions of sections 2 and 3 were made retrospective as from the 20th July, 1962, and *accordingly* actions filed on or after that date and appeals to the Supreme Court pending at the date of commencement of the amending act were declared null and void.

I am attracted by the submission of Mr. Ranganathan, that in this context, the provisions of Section 4 were meant to apply to pending actions filed in contravention of section 12A, i.e. actions relating to premises where the standard rent is below Rs. 100 per month.

But, it was argued for the Appellant, by Mr. Samarawickrema, that because section 4 (1) A refers to *any* action for the ejection of a tenant "from any premises to which the principal Act as amended by this Act applies", therefore the proceedings in this action (as indeed in all pending actions where the standard rent is over Rs. 100 per month) should also be declared null and void. There is much to be said for this argument, though I am not inclined to accept it. I am also in agreement with the submission made by Mr. Ranganathan for the Respondent that in any event sections 2 and 3 of the amending Act in no way affect the provisions of sections 9 of the principal Act 29 of 1948.

The appeal is dismissed with costs.

*Appeal dismissed.*