

1974 *Present : Wijesundera, J., and Tittawella, J.*

Mrs. V. M. GUNASEKERA, Appellant, and G. A. SOMAPALA,
Respondent

S. C. 90/72—C. R. Colombo, 2440/R.E.

Rent Act No. 7 of 1972—Section 22 (3)—No retrospective operation.

Section 22 (3) of the Rent Act No. 7 of 1972 has no retrospective operation and does not therefore apply to actions instituted prior to the date when that Act came into force.

APPEAL from a judgment of the Court of Requests, Colombo.

D. R. P. Goonetilleke, for the plaintiff-appellant.

Defendant-respondent absent and unrepresented.

Cur. adv. vult.

March 25, 1974. TITTAWELLA, J.—

This is an action for rent and ejectment instituted on 16.3.71 under the Rent Restriction Act (Chapter 274 of the Legislative Enactments). The Rent Act No. 7 of 1972 enacted on 1.3.72 repealed the Rent Restriction Act (Chapter 274), and the question that arises is whether the plaintiff can maintain this action in view of the provisions of section 22(3) of the Rent Act No. 7 of 1972. The learned Commissioner of Requests tried the matter as a preliminary issue and dismissed the plaintiff's action holding that it cannot be maintained in view of the section of the Rent Act No. 7 of 1972 referred to at above. The plaintiff-appellant has appealed against this order.

The submission of Counsel for the Appellant is that section 22(3) of the Rent Act has no retrospective operation and does not have any application to actions instituted prior to 1.3.72. This same matter has been argued before Rajaratnam J. in the case of *Kanagasabai v. Kamala Seevaratnam*¹—S.C. 9/70 (RE), C.R., Colombo 99288 (S.C. Minutes of 6.11.73). He has held that section 22(3) of the Rent Act No. 7 of 1972 has no retrospective operation and does not therefore apply to actions instituted before the enactment of the new Rent Act. I am in respectful agreement with his reasons and conclusions. This appeal must therefore be allowed. The case will now go back for trial on any other issues that may be raised.

There shall be no costs of this appeal.

WIJESUNDERA, J.—I agree.

Appeal allowed.

¹ (1973) 76 N. L. R. 517.