

EXTRAORDINARY

Registered No. M 324



The Sindh Government Gazette

Published by Authority

KARACHI TUESDAY APRIL 17, 2001

PART-I

GOVERNMENT OF SINDH

LAW DEPARTMENT

NOTIFICATION

Karachi, the 17th April, 2001.

No. S.LEGIS:104/2001.—The following Ordinance made by the Governor of Sindh is hereby published for general information:—

THE SINDH RENTED PREMISES (AMENDMENT)

ORDINANCE, 2001.

Sindh Ordinance No. XIV of 2001.

AN
ORDINANCE

to amend the Sindh Rented Premises Ordinance, 1979.

WHEREAS it is expedient to amend the Sindh Rented Premises Ordinance, 1979, in the manner hereinafter appearing; Preamble.

AND WHEREAS the Provincial Assembly stands suspended in pursuance of the Proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999;

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate the following Ordinance:-

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| Short title and commencement. | 1. This Ordinance may be called the Sindh Rented Premises (Amendment) Ordinance, 2001. |
| | (2) It shall come into force at once. |
| Amendment of section 4 of Sindh Ordinance No.XVII of 1979. | 2. In the Sindh Rented Premises Ordinance, 1979, hereinafter referred to as the said Ordinance, in section 4- <ul style="list-style-type: none"> (i) in sub-section (2), the words "or First Class Magistrate" shall be omitted; (ii) sub-section (3) shall be omitted. |
| Amendment of section 15 of Sindh Ordinance No.XVII of 1979. | 3. In the said Ordinance, in section 15, in sub-section(2), in clause (ii), the semi colon at the end shall be replaced by a colon and thereafter the following proviso shall be added :- <p style="margin-left: 40px;">"Provided that where the application made by the landlord is on the sole ground mentioned in this clause and the tenant on the first day of hearing admits his liability to pay the rent claimed from him, the Controller shall, if he is satisfied that the tenant has not made such default on any previous occasion and the default is not exceeding six months, direct the tenant to pay all the rent claimed from him on or before the date to be fixed for the purpose and upon such payment, he shall reject the application;"</p> |

4. In the said Ordinance, in section 16, in sub-section (1), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-

Amendment of
section 16 of
Sindh
Ordinance
No. XVII of
1979.

“Provided that the Controller may direct that the arrears of rent and approximate rent may be paid to the landlord through pay order, or by any other mode agreed to by the parties, or as directed by the Controller.”

5. In the said Ordinance, in section 21 -

Amendment of
section 21 of
Sindh
Ordinance
No. XVII of
1979.

- (i) in sub-section (1), for the words “High Court”, the words “District Judge having jurisdiction in the area where the premises in relation to which the order is passed” shall be substituted;

- (ii) after sub-section (1), the following new sub-sections shall be inserted -

“(1-A). On such appeal being preferred, the District Judge may hear it himself, or refer it for disposal to an Additional District Judge.

(1-B). The District Judge may recall an appeal referred to an Additional District Judge and either hear it himself or refer it for disposal to another Additional District Judge.

(1-C). The appellate authority, may, at any stage of appeal attempt to effect a compromise between the parties.

(1-D). The appellate authority may, where it deems fit, before passing a final order allow the tenant to continue his tenancy subject to payment of enhanced rent fixed by the authority.

(1-E). On the application of a party and after notice to the other party and after hearing such of them as desire to be heard, or on its own motion without such notice -

- (a) the appellate authority may at any stage withdraw any application pending with a Controller and transfer the same for disposal to any other Controller;
- (b) the High Court may at any stage withdraw any appeal pending with any appellate authority and transfer the same for disposal to any other appellate authority competent to dispose of the same."

Insertion of section 21-A in Sindh Ordinance No XVII of 1979.

6. In the said Ordinance, after section 21, the following new section shall be inserted :-

"21-A. All appeals filed under this Ordinance and pending in the High Court immediately before the commencement of the Sindh Rented Premises (Amendment) Ordinance, 2001, shall stand transferred to the District Judge having jurisdiction as provided in sub-section (1) of section 21, for disposal:

Provided that the appeals as are fixed for judgments shall be disposed by the High Court."

Karachi:-

Dated:- 14th April, 2001.

MOHAMMEDMIAN SOOMRO
GOVERNOR OF SINDH

SAYED GHULAM NABI SHAH
SECRETARY TO GOVERNMENT OF SINDH
LAW DEPARTMENT

KARACHI: PRINTED AT THE SINDH GOVERNMENT PRESS