

**THE BALOCHISTAN URBAN RENT RESTRICTION ORDINANCE,
1959**

(W.P. Ordinance VI of 1959)

CONTENTS

SECTIONS.

Preamble.

1. Short title, extent, exception and commencement.
2. Definitions.
3. Exemption.
4. Determination of fair rent.
5. Case in which further increase in fair rent admissible.
6. Landlord not to claim anything in excess of fair rent.
7. Fine or premium not to be charged for grant, renewal or continuance of tenancy.
8. Rent which should not have been paid may be recovered.
9. Increase of rent on account of payment of rate, etc., of local authority, but rent not to be increased on account of payment of other taxes, etc.
10. Landlord not to interfere with amenities enjoyed by the tenant.
11. Conversion of a residential building into a non-residential building.
12. Failure by Landlord to make necessary repairs.
- 12-A. Re-imbursement of expenses incurred on repairs under the orders of a local authority.
13. Eviction of tenant.
- 13-A. Tenant to be informed in case of transfer of ownership.
- 13-B. Eviction of tenants where the landlord is a salaried employee, widow or minor orphan.
14. Decisions which have become final not to be re-opened.
15. Appeal.

15-A

16. Power to summon and enforce attendance of witnesses, etc.
17. Execution of orders.
18. Landlord and tenant to furnish particulars.
19. Penalties.
20. Power to make rules.
21. Repeal.
22. Revival of certain proceedings.

SCHEDULE

¹THE ²[BALUCHISTAN³] URBAN RENT RESTRICTION ORDINANCE, 1959

(W.P. Ord. VI of 1959)

¹ This Ord. was promulgated by the Governor of W.P. on 1st January, 1959; published in the W.P. Gazette (Extraordinary), dated 23rd February, 1959, pages 129-141; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

² Subs. by Baln, A.O. of 1975, for "West Pakistan".

³ Spelling of the word "Baluchistan", wherever it appears in this Ordinance, is corrected by insertion of letter "o" instead of "u", as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

[23rd February, 1959]

An Ordinance to restrict the increase of rent of certain premises within the limits of urban areas and the eviction of tenants therefrom in the Province of ²[Balochistan].

Preamble.

WHEREAS it is expedient in the public interest to restrict the increase of rent of certain premises within the limits of urban areas and the eviction of tenants therefrom in the Province of ²[Balochistan];

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958, and having received the previous instructions of the President, the Governor of West Pakistan is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance:—

Short title, extent,
exception and
commencement.

1. (1) This Ordinance may be called the ²[Balochistan] Urban Rent Restriction Ordinance, 1959.

(2) It extends to all the urban areas in ²[Balochistan] [except ¹{* * * * *} ²{the Tribal Areas.}]³

(3) Nothing contained in this Ordinance shall be deemed to affect any evacuee property as defined in the Pakistan (Administration of Evacuee Property) Act, 1957⁴.

(4) Sub-section (5) of section 13 and section 19 shall come into force at once and the remaining provisions of this Ordinance shall be deemed to have taken effect on and from the date of expiry⁵ of the West Pakistan Urban Rent Restriction Act, 1957.

Definitions.

2. In this Ordinance unless there is anything repugnant in the subject or context —

(a) "building" means any building or part of a building let for any purpose, whether being actually used for that purpose or not, including any land, godowns, out-houses, together with furniture let therewith but does not include a room in a "Sarai", hotel, hostel or boarding

¹ The words "the Federal Capital and" omitted by West Pakistan Ordinance XXXVIII of 1962.

² Subs. for the words "the Special Areas", by W.P. A. Order, 1964.

³ Made applicable to the Provincial Administration Tribal Areas of Balochistan, by Governor of Balochistan with approval of the President, under Article 247 (3) of the Constitution of the Islamic Republic of Pakistan, 1973 vide Home & Tribal Affairs Department, Government of Balochistan's Notification NO. SO/Judl-I8(1)/2013/69-89, dated 27th January, 2014.

⁴ i.e. Act XII of 1957.

⁵ The West Pakistan Urban Rent Restriction Act, 1957 (W.P. Act IX of 1957), expired on the 25th January, 1958.

house;

- (b) "Controller" means a judicial officer who is appointed by the Provincial Government to perform the functions of a Controller under this Ordinance;
- (c) "landlord" means any person for the time being entitled to receive rent in respect of any building or rented land whether on his own account or on behalf or for the benefit of any other person, or as a trustee, guardian, receiver, executor or administrator for any other person, and includes a tenant who sublets any building or rented land in the manner hereinafter authorised and every person from time to time deriving title under a landlord;
- (d) "non-residential building" means a building being used solely for the purpose of business or trade;
- (e) "prescribed" means prescribed by rules made under this Ordinance;
- (f) "rented land" means any land let separately for the purpose of being used principally for business or trade;
- (g) "residential building" means any building which is not a non- residential building;
- (h) "scheduled building" means a residential building which is being used by a person engaged in one or more of the professions specified in the Schedule to this Ordinance, partly for his business and partly for his residence;
- (i) "tenant" means any person by whom or on whose account rent is payable for a building or rented land and includes (a) a tenant continuing in possession after the termination of the tenancy in his favour and (b) the wife and children of a deceased tenant, but does not include a person placed in occupation of a building or rented land by its tenant, unless with the consent in writing of the landlord, or a person to whom the collection of rent or fees in a public market, cart-stand, or slaughter-house or of rents for shops

has been farmed out or leased by municipal, town or notified area committee, or by the Corporation of the City of Lahore, or by the Lahore Improvement Trust or any other Improvement Trust; and

- (j) "urban area" means any area administered by a municipal corporation, a municipality, municipal committee, a town committee or a notified area committee.

Exemption.

3. Government ¹[or an officer authorized by it in this behalf] may direct by a notification published in the Gazette that all or any of the provisions of this Ordinance shall not apply to any particular building or rented land or any class of buildings or rented lands.

Determination of fair rent.

²4. (1) The Controller shall, on an application by the tenant or landlord of a building or rented land, fix fair rent for such building or rented land after holding such enquiry as the Controller thinks fit.

(2) The fair rent shall be fixed after taking into consideration the following factors:-

- (a) The rent of the same building or similar accommodation in similar circumstances prevailing in the locality at the time of and during the period of twelve months prior to the date of making application;
- (b) the rise in the cost of construction of and of the repairing charges as well as the imposition of new taxes after the commencement of the tenancy; and
- (c) the rental value of the building or rented land entered in the Property Tax Assessment Register of the Taxation Department or the local body relating to the period mentioned in clause (a), if any;

(3) The fair rent fixed under this section shall be

¹ Ins. by W.P. Ord. VI of 1970.

² Sec. 4 subs. by Baln. Ord. III of 1980.

payable by the tenant from a date to be fixed by the Controller not earlier than the date of filing the application.

(4) If the fair rent fixed under sub-section (2) exceeds the rent being paid by the tenant on the date of the filing of the application under this section, the maximum increase of rent payable by the tenant shall not be more than 25% of the rent already being paid by him.]

Case in which further increase in fair rent admissible.

¹[5. (1) When the fair rent of a building or rented land has been fixed under section 4, or where the rent of any building or rented land has been determined by an agreement between the landlord and the tenant, no further increase in such fair rent shall, during the continuance of tenancy, be permissible within a period of three years from the date fixed by the Controller under sub-section (3) of section 4, or from the date of the agreement, as the case may be, except in cases where some addition, improvement or alteration has been carried out at the landlord's expense, and at the request of the tenant.

(2) The fair as increased on grounds of some addition, improvement or alteration made permissible under this section shall not exceed the fair rent payable under this Ordinance for a similar building or rented land in the same locality with such addition, improvement or alteration and it shall not be chargeable until such addition, improvement or alteration has been completed.

(3) Any dispute between the landlord and tenant in regard to any increase claimed on grounds of some addition, improvement or alteration made permissible under this section shall be decided by the Controller.]

Landlord not to claim anything in excess of fair rent.

6. (1) Save as provided in section 5, when the Controller has fixed the fair rent of a building or rented land under section 4—

- (a) the landlord shall not claim or receive any premium or other like sum in addition to fair rent, or any rent in excess of such fair rent; but the landlord may stipulate for and receive in advance an amount not exceeding one month's rent;
- (b) any agreement for the payment of any

¹ Sec. 5 subs. by Baln, Ord. III of 1980.

sum in addition to rent or of rent in excess of such fair rent shall be null and void ¹[;]

²[(c) any sum in excess of the fair rent paid in respect of any use or occupation of the building or rented land from the date of application for the fixation of fair rent shall be refunded to the person by whom it was paid or at the option of such person, otherwise adjusted.]

(2) Nothing in this section shall apply to the recovery of any rent which became due before the 1st of January, 1950.

Fine or premium
not to be
charged for
grant, renewal
or continuance
of tenancy.

7. (1) No landlord shall, in consideration of the grant, renewal or continuance of a tenancy of any building or rented land, require the payment of any fine, premium or any other like sum in addition to the rent.

(2) Nothing in this section shall apply to any payment under any subsisting agreement entered into before the 1st day of January, 1950.

Rent which should
not have been
paid may be
recovered.

8. (1) Where any sum has, before the date of publication of this Ordinance been paid by the tenant, which sum is by reason of the provisions of this Ordinance irrecoverable, such sum may, without prejudice to any other method of recovery, be deducted by the tenant by whom it was paid, or by his legal representative, from any rent payable by him to such landlord or to his legal representative:

Provided that the tenant before making such deduction obtains the approval of the Controller by an application made to him within six months of the said date.

Explanation—In computing the said period of six months the time spent after the date of the payment, in the proceedings for determination of fair rent shall be excluded.

(2) In this section the expression "legal representative" has the same meaning as in the Code of Civil Procedure, 1908³, and includes, in the case of joint family property, the joint family of which the deceased person was a

¹ Subs. for the full-stop by W.P. Ord. XXI of 1965.

² Ins. by W.P. Ord. XXI of 1965.

³ i.e. Act V of 1908.

member.

Increase of rent on account of payment of rate, etc., of local authority, but rent not to be increased on account of payment of other taxes, etc.

9. (1) Notwithstanding anything contained in any other provision of this Ordinance, a landlord shall, subject to the approval of the Controller, be entitled to increase the rent of a building or rented land if after the commencement of this Ordinance a fresh rate, cess or tax is levied in respect of the building or rented land by ¹[Government or] any local authority, or if there is an increase in the amount of such a rate, cess or tax being levied at the commencement of this Ordinance:

Provided that the increase in rent shall not exceed one half of the amount of any such rate, cess or tax or the amount of the increase in such rate, cess or tax, as the case may be.

(2) Notwithstanding anything contained in any other law for the time being in force or any agreement, no landlord shall recover from his tenant the amount of any tax or any portion thereof in respect of any building or rented land occupied by such tenant by any increase in the amount of the rent payable, or otherwise, save as provided in sub-section (1).

Landlord not to interfere with amenities enjoyed by the tenant.

10. ²(1) No landlord or his contractor, workman, or servant shall, without the previous consent of the Controller or save for the purpose of affecting repairs or complying with a requisition from a Municipal Committee or Cantonment or Town Improvement Board, willfully disturb any convenience or easement annexed to the premises or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service comprised in the fair rent.

(2) A tenant in occupation of a building or rented land may, if the landlord has contravened the provisions of this section, make an application to the Controller complaining of such contravention.

(3) If the Controller, on inquiry, finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to restore such amenities.

¹ Ins. by W.P. Ord. XXX of 1960.

² Subs. by W.P. Ord. XX1 of 1965

Conversion of a residential building into a non-residential building.	11. No person shall convert a residential building into a non-residential building, except with the permission in writing of the Controller.
Failure by Landlord to make necessary repairs.	12. If a landlord fails to make the necessary repairs other than structural alterations, to a building, it shall be competent for the Controller to direct, on application by the tenant and after such inquiry as the Controller may think necessary, that such repairs may be made by the tenant, and that the cost thereof may be deducted from the rent which is payable by him.
Re-imbbursement of expenses incurred on repairs under the orders of a local authority.	¹ [12-A. (1) Where a local authority, in exercise of its functions under any law for the time being in force, directs the owner of a building to make such repairs to the building as may be specified and on failure of the owner to comply with such direction, the tenant is directed to make the said repairs, the tenant may comply with the direction. (2) The account of the expenses incurred by the tenant under sub-section (1) shall be submitted to the local authority concerned, which shall, after due verification, certify the cost of repairs and the tenant may thereon deduct the amount so certified from the rent payable by him.]
Eviction of tenant.	13. (1) A tenant in possession of a building or rented land shall not be evicted therefrom in execution of a decree passed before or after the commencement of this Ordinance, or otherwise, and whether before or after the termination of the tenancy, except in accordance with the provisions of this section. (2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied that— (i) the tenant has not paid or tendered rent due by him in respect of the building or rented land, within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord, or in the absence of any such agreement, ² [within sixty days from

¹ Ins. by W.P. Ord. XXX of 1960.

² Subs. for the words "by the last day of the month next following that", by W.P. Ord. XXX of 1960.

the period] for which the rent is payable;
or

(ii) the tenant has, without the written consent of the landlord,—

(a) transferred his right under the lease or sublet the entire building or rented land or any portion thereof;
or

(b) used the building or rented land for a purpose other than that for which it was leased ¹[or has infringed any condition of the tenure on which the building or rented land is held by the landlord]; or

(iii) the tenant has committed such acts as are likely to impair materially the value or utility of the building or rented land; or

(iv) the tenant has been guilty of such acts and conduct as are a nuisance to the occupants of buildings in the neighbourhood; or

(v) where the building is situated in a place other than a hill-station, the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause; or

²[(vi) the building or rented land is reasonably and in good faith required by the landlord for the reconstruction or erection of a building on the site, and the landlord has obtained the necessary sanction for the said reconstruction or erection from the Town Improvement Trust, Municipal Corporation, Municipal Committee or Town Committee for the area where such building or rented land is situated:]

Provided that the Controller may give the tenant

¹ Ins. by W.P. Ord. XXI of 1965.

² Subs. by W.P. Ord. XXI of 1965.

a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed four months in the aggregate[:]¹

²[Provided further that where the application made by the landlord is on the ground mentioned in clause (i) and the tenant on the first date of hearing admits his liability to pay the rent due from him, the Controller shall, if he is satisfied that the tenant has not made such default on any previous occasion, direct the tenant to deposit all the rent due from him on or before a date to be fixed for the purpose, and upon such deposit being made he shall make an order rejecting the application.]

³[*Explanation—* For the purpose of clause (i) –

- (i) where the water charges or electricity charges or both are payable by the tenant to the landlord such charges shall be deemed to be rent;
- (ii) rent remitted by money-order to the landlord or deposited in the office of the Controller having jurisdiction in the area where the building or rented land is situated shall be deemed to have been duly tendered.]

(3) (a) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession—

- (i) in the case of a residential building, if—
 - (a) he requires it in good faith for his own occupation or for the occupation of any of his children;
 - (b) he is not occupying another residential building, suitable for his needs at the time, in the same urban area in which such building is situated; and
 - (c) he has not vacated such a building

¹ Subs. for full-stop by Baln. Ord. VIII of 1985; published in Balochistan Gazette (Extraordinary) No. 45; dated 6th February, 1985; and shall be deemed to have taken effect on 1.10.1984.

² Proviso added, *ibid.*

³ Subs. by W.P. Ord. XXX of 1960.

without sufficient cause after the commencement of this Ordinance in the said urban area;

- (ii) in the case of a non-residential building or a scheduled building or rented land, if—
 - (a) he requires it in good faith for his own use or for the use of any of his¹[* *] children;
 - (b) he or his said child is not occupying in the same urban area in which such building is situated for the purpose of his business any other such building or rented land, as the case may be, suitable for his needs at the time; and
 - (c) he has not vacated such a building or rented land without sufficient cause after the commencement of this Ordinance, in the said urban area:

Provided that where the tenancy is for a specified period agreed upon between the landlord and the tenant the landlord shall not be entitled to apply under this sub-section before the expiry of such period:

Provided further that where the landlord had obtained possession of a residential, scheduled or non-residential building or rented land under the provisions of sub-paragraph (i) or sub-paragraph (ii) he shall not be entitled to apply again under the said sub-paragraphs for the possession of any other building of the same class or rented land unless such residential, scheduled or non-residential building or land is no longer suitable for his needs at the time.

(b) The Controller shall, if he is satisfied that the claim of the landlord is *bona fide*, make an order directing the tenant to put the landlord in possession of the building or rented land on such date as may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application:

¹ Word "male" omitted by Baln. Ord. VIII of 1985; deemed to have taken effect on 1.10.1984.

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed four months in the aggregate:

¹[Provided further that if the application is in respect of a residential building, the Controller shall direct the tenant within four weeks of the application to put the landlord in possession of the building if, after a summary enquiry, he is satisfied that the tenant, his wife or any of his dependent children owns a residential building within the same urban area or owned such a building within sixty days preceding the commencement of the West Pakistan Urban Rent Restriction (Amendment) Act, 1963².]

(4) Where a landlord who has obtained possession of a building or rented land in pursuance of an order made under sub-paragraph (i) or sub-paragraph (ii) of paragraph (a) of sub-section (3), does not himself or where the building has been got vacated for the occupation of any of his children, such child does not occupy it within one month of the date of obtaining possession, ³[or having been so occupied is relet within two months of the said date to any person other than the original tenant] the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land and the Controller shall make an order accordingly.

(5) Where a landlord has obtained possession of a building in pursuance of an order under clause (vi) of sub-section (2) of this section and does not have the building demolished within a period of four months from the date of taking possession of the same or does not construct the new building within a further period of two years after the expiry of the period of four months from the date of taking possession of the same, he shall, unless he satisfies the Court that he was unable to construct the building within the prescribed time for reasons beyond his control, be punished with imprisonment for a term which may extend to six months or with fine or with both.

⁴[(5-A) Where a landlord has been convicted under the

¹ Add. by W.P. Act V of 1963.

² i.e. W.P. Act V of 1963.

³ Ins. by W.P. Ord. XXJ of 1965.

⁴ Ins. by W.P. Ord. XXI of 1965.

provisions of sub-section (5), the tenant, who has been evicted from the building or rented land in respect of which the landlord is convicted, may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land, and except in the case of a building which has been demolished, the Controller shall make an order accordingly.

(5-B) Where, in pursuance of an order under clause (vi) of sub-section (2), a landlord has obtained possession of a building (in this sub-section referred to as the old building), and constructs a new building on the same site, the tenant who was evicted from the old building may, before the completion of the new building and its occupation by another person, apply to the Controller for an order directing that he be put in possession of such area in the new building as does not exceed the area of the old building of which he was in occupation, and the Controller shall make an order accordingly in respect of the area applied for or such smaller area, as considering the location and type of the new building and the needs of the tenant, he deems just, and on payment of rent to be determined by him on the basis of rent of similar accommodation in the locality.]

(6) In proceedings under this section on the first date of hearing or as soon as possible after that date and before issues are framed, the Controller shall direct the tenant to deposit all the rent due from him and also to deposit regularly till the final decision of the case, before the ¹[fifteenth] day of each month, rent due from him. If there is any dispute about the amount of rent due or the rate of rent, the Controller shall determine such amount approximately and direct that the same be deposited by the tenant before a date to be fixed for the purpose. If the tenant makes default in the compliance of such an order, then if he is the petitioner, his application shall be dismissed summarily and if he is the respondent, his defence shall be struck off and the landlord put into possession of the property without taking any further proceedings in the case.

²[The Controller shall finally determine the amount of rent due from the tenant and direct that the same be paid to the landlord, subject to adjustment of the approximate amount deposited by the tenant.]

(7) Where the Controller is satisfied that any

¹ Subs. for the word "5th" by W.P. Ord. XXI of 1965.

² Add. by W.P. Ord. XXX of 1960.

application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation not exceeding ten times the monthly rent be paid by such landlord to the tenant.

(8) The rent deposited by the tenant under this section shall, subject to the final determination of rent as payable by the tenant, be paid to the landlord at the conclusion of the proceedings or on such earlier date as may be specified by the Controller.

Tenant to be informed in case of transfer of ownership.

¹[13-A. Where the ownership of a building in the possession of a tenant or rented land has been transferred by way of sale, gift, inheritance or in any other manner, whatsoever, from one person to another, the new owner shall send an intimation of such transfer in writing by registered post to the tenant of such building or rented land, and the tenant shall not be deemed to have defaulted in the payment of rent for the purposes of clause (i) of sub-section (2) of section 13, if the rent due is paid within thirty days from the date when the intimation should in the normal course have reached him.]

Eviction of tenants where the landlord is a salaried employee, widow or minor orphan.

²[13-B. (1) Notwithstanding anything contained in this Ordinance or any other law for the time being in force-

(a) in a case where the landlord has died; or

(b) in a case where the landlord is a salaried employee and has retired or is due to retire within a period of six months,

a notice in writing may be given by such landlord or the widow or minor of the deceased landlord, as the case may be, to the tenant of a building informing him that he or she needs the building for personal use and requiring him to deliver vacant possession of the building within a period of two months from the date of receipt of the notice:

Provided that no application under this section shall be maintainable if it is made after six months from the date of the death of the landlord or in the case of the retirement of a salaried person, before six months from or after six months of the date of his retirement:

Provided further that, in a case where the

¹ Add. by W.P. Ord. XXI of 1965.

² Ins. by Baln. Ord. XXI of 1978; and, subs. by Baln. Ord. III of 1980.

landlord has died or a salaried person has retired before the commencement of this Ordinance an application may be made within a period of six months from the date of such commencement.

(2) The right to seek ejectment under sub- section (1) shall also be available to a landlord of a building who is the wife, husband or a minor child of a salaried employee referred to in sub-section (1).

(3) In the case of a landlord referred to in sub- section (1) or sub-section (2) who happens to be a landlord of more than one building, whether or not in the same locality, action as provided for in this section shall be competent in respect of one of such building only.

(4) A landlord referred to in clause (b) of sub- section (1) or in sub-section (2) who is in occupation of a building owned by him shall not be entitled to seek ejectment of a tenant from a building situated in the locality in which the building in occupation of the landlord is situated unless he offers the building in his occupation in exchange of the building in possession of the tenant on such terms and conditions and on payment of such rent as may be determined by the Controller:

Provided that the benefit of exchange shall not be available to the tenant who refuses to accept the offer or the terms and conditions and the rate of rent determined by the Controller.

(5) A tenant who on receipt of the notice referred to in sub-section (1) fails to deliver vacant possession of the building to the landlord or to the widow or minor orphan of the deceased landlord within the time allowed in the notice shall be liable to be ejected summarily by the Controller on an application being made to him in this behalf.

(6) On an application being made to him under sub- section (5) the Controller shall issue a notice to the tenant and on being satisfied with the bonafide of the request of the landlord or the widow or minor orphan of a deceased landlord, shall order the summary ejectment of the tenant.

(7) A landlord or a widow or orphan of a deceased landlord referred to in sub-section (1) or sub- section (2) who, within one year of his having obtained possession of a building as provided for in sub-section (6), relets the building to any person other than the previous tenant, shall be punishable with

fine which may extend to Rs.5,000 unless the benefit derived by the landlord is greater than the amount of fine in which case it shall be equal to the annual rent obtained by him by reletting the building.]

Decisions which have become final not to be re-opened.

14. The Controller shall summarily reject any application under sub-section (2) or under sub-section (3) of section 13 which raises substantially the same issues as have been finally decided in a former proceeding under this Ordinance.

Appeal.

¹[15. (1) Any party aggrieved by an order of the Controller finally disposing of an application made under section 4, section 10, section 12, section 13, of this Ordinance may, within thirty days of the date of such order, prefer any appeal in writing to the High Court:

Provided that no appeal shall lie against an order made by a Controller under sub-section (6) of section 13 determining approximately the amount of rent due or the rate of rent and directing the tenant to deposit all the rent due:

Provided further that no appeal shall lie from an interlocutory order passed by the Controller.

(2) On such appeal being preferred, the appellate authority may stay the operation of the order appealed against.

(3) The appellate authority admitting an appeal for hearing shall have the same powers to direct the tenant to deposit the rent as are vested in the Controller under this Ordinance and, if the tenant makes default in compliance with such an order, then if he is the appellant, his appeal shall be dismissed summarily and, if he is the respondent, his defence shall be struck off.

(4) The appellate authority shall decide the appeal after sending for the record of the case from the Controller and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as it thinks fit, either personally or through the Controller.

(5) The order of the Controller, subject to the result of appeal, if any, shall be final and shall not be called in question in any court of law.]

¹ Section 15 subs. first by Baln. Ord. XX1 of 1978; and, then, by Baln. Ord. III of 1980.

¹[15-A. On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion without such notice –

- (a) the appellate authority may at any stage withdraw any application pending with a Controller subordinate to it and transfer the same for disposal to any other Controller subordinate to it and competent to try or dispose of the same;
- (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 subordinate to it, and competent to dispose of the same.]

Power to summon and enforce attendance of witnesses, etc.

16. (1) For the purposes of this Ordinance an appellate authority or a Controller appointed under this Ordinance shall have the same powers of summoning and enforcing the attendance of witnesses and compelling the production of evidence as are vested in a Court under the Code of Civil Procedure, 1908².

(2) The Controller shall for the purpose of section 480 of the Code of Criminal Procedure, 1898³, deemed to be a Court.

Execution of orders.

⁴[17. Every order made under section 10, section 13, section 13-B and every order passed in appeal under section 15, shall be executed by the Controller as if it were a decree of a civil court.]

Landlord and tenant to furnish particulars.

18. Every landlord and every tenant of a building or rented land shall be bound to furnish to the Controller, or any person authorised by him in that behalf such particulars in respect of such building or rented land as may be prescribed.

¹ Ins. by W.P. Ord. XXXII of 1962.

² i.e. Act V of 1908.

³ i.e. Act V of 1998.

⁴ Subs. by Baln. Ordinance III of 1980.

Penalties.	19. (1) If any person contravenes any of the provisions of sub-section (1) of section 10, section 11 or section 18, he shall be punished with fine which may extend to one thousand rupees. (2) No Court shall take cognizance of an offence under this section except upon – (a) a complaint of facts which constitute such offence filed with the sanction of the Controller in writing; or (b) a report in writing of such facts made by the Controller.
Power to make rules.	20. Government may, by notification, make rules for the purpose of carrying out all or any of the provisions of this Ordinance.
Repeal.	21. (1) The following enactments are hereby repealed:- (i) the Balochistan Rent Control Regulation, 1945¹. (ii) the North-West Frontier Province House Control Act, 1946²; (iii) the Bahawalpur State Urban Rent Restriction Act, 1947; and (iv) the Sind Rent Restriction Act, 1952³. (2) Notwithstanding the repeal of the enactments mentioned in sub-section (1) and the expiry of the West Pakistan Urban Rent Restriction Act, 1957⁴,— (a) any order made by a Controller or Rent Controller or any Court or appellate or revisional authority in any proceedings under any of the said enactments before the commencement of this Ordinance ⁵[or the Karachi Rent Restriction Act, 1953 before the first day of July, 1963], shall be deemed to have effect as an order under this Ordinance;

¹ i.e. Regulation II of 1945.

² i.e. N.W.F.P Act XV of 1946.

³ i.e. Sind Act XIX of 1952.

⁴ i.e. West Pakistan Act IX of 1957.

⁵ Ins. by W.P. Ordinance XXI of 1965, s. 8.

- (b) all proceedings which immediately before the commencement of this Ordinance were pending with any Controller or appellate authority under the West Pakistan Urban Rent Restriction Act, 1957⁴, shall stand transferred to and be continued before the Controller or the appellate authority, as the case may be, appointed under this Ordinance, as if the same were instituted under the provisions of this Ordinance and any order made in any such proceedings as aforesaid, shall for all purposes have effect as an order made under this Ordinance.

Revival of certain proceedings.

22. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force if, as a result of the expiry of the West Pakistan Urban Rent Restriction Act, 1957¹ (hereinafter called the said Act), an application or an appeal or revision filed under the provisions of the said Act, has, after the date of such expiry and before the date of publication of this Ordinance in the official Gazette, been dismissed otherwise than on merits, consigned to the record room or stayed, whether such dismissal, consignment or stay was with or without the consent of the parties, it shall be restored on an application made in this behalf within sixty days of the said date by any party to the proceedings. On such restoration the proceedings shall start from the stage at which they were at the time of the aforesaid dismissal, consignment or stay,

(2) If in an application or appeal decided under the provisions of the said Act before the date of its expiry, the period of limitation for filing an appeal or an application for revision was subsisting on the aforesaid date, any party aggrieved by the decision may, within sixty days of the date of publication of this Ordinance prefer an appeal in accordance with the provisions of section 15 as if the decision was made under this Ordinance by the Controller or the appellate authority, as the case may be.

(see “**SCHEDULE**” on next page)

¹ i.e. West Pakistan Act IX of 1957.

SCHEDULE

1. Lawyer.
2. Architect.
3. Dentist.
4. Engineer.
5. Veterinary Surgeon.
6. Medical practitioner including practitioner of indigenous system of medicine.