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EXYRAQRDINARY

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' 92- QUETTA, FHURSDAY, NOVEMBER 23, an

GOVERNMENT OF BALUCHISTAN /
LAW DEPARTMENT. J
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NOTIFICATION,

Dated Quetta, the 22nd November, 1978.

No. Legis. .1-43/Law/78.' The following» Ordinance made by the
Governor of Baluchistan on 19th November, 1978 is hereby published for

'- general information: ‘

BALUCHISTAN ORDINANCE NO XXI OF 1978. t

THE BALUCHISTAN URBAN RENT RESTRICTION (AMENDMEN
ORDINANCE, 1978.

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ORDINANCE

further to amend the West Pakistan Urban Reni

R
Ordinance, 1959 as adapted vide Baluchistan Laws ffs ie! pond
order, 1975.

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_ WHEREAS it is expedient further to amend the Baluchistan Urban Rent Restriction Ordinance, 1959 (Ordinance No VI of 1959), for the purposes hereinafter appearing;

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

Now, THEREFORE, in pursuance of the Proclamation of

‘ the fifth day of July, 1977, read with the Laws (Continuance in

Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in

exercise of all powers enabling him in that behalf, the Governor

of Baluchistan is pleased to make and promulgate the following Ordinance :— .

Short title 1. @ This Ordinance may be called the Baluchistan”

and commen- Urban Rent Restriction (Amendment) Ordinance, 1978.

a (2) It shall come into force at once. |

nendment of 2. _In the Baluchistan Urban Rent Restriction Ordinan :
ao, Bal- 1959 (Ordinance No. VI of 1959), hereinafter referred to as tht
uchistan Ord- said Ordinance, in section 4,~ .
inance No. VI

of 1959. NA :

(a) after sub-section (1), the following new-sub-Section
‘shall be inserted, namely:

“(IA) Where the fair 1ent of any builaing or rented

land has been fixed under this section, or where

the rent of any building or rented land has been

determined by an agreement between the landlord

and tenant,Sang application under sub-section (1)

@@4a may be made in respect of that building or rented

land after the expiration of a period of three years

page 4 from the day on which the fair rent was last so
fixed or, as the case may be, the rent was so de-

1 terminated.”; and

) sub-section (5) shall be omitted. 1

Insertion-of new 3,“ Inthe said Ordinance, after section 13A, the following section 13B in ction shall be inserted, namely :— ,

Y istan

pe bane No. _ “13B. Eviction of tenant where landlord is an orphan,

VI of 1959. tc gO . Co

, (1) Notwithstanding anything contained in this Ord-
inance or any other law for the time being in force,
the landlord of a residential building may.—

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i EPs ~ {a) if she is a widow since whose having been rendered
e "a ' _ ~ - 'a. widow a period of more than six months has not ~
elapsed; or | ;

(b) if he or she, being a minor, is an orphan since
» whose having been rendered' an orphan a period
of more than six months has not elapsed; or

(c) . if he or she is a salaried employee who is due to retire

F from service within a period of six months, or a

. _ » person since. whose ceasing to be asalaried employee

" a period of more) than six months has not

elapsed; by notice in writing inform the tenant

. . «+ that he or she needs the building for personal use

Hy ; and require him to deliver vacant, possession of

. . the building within' such time, which shall not

a be less than two months from the day on which

"sg. ' the tenant receives the notice; as may be specified
' in the notice. :

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(2) A landlord referred to in sub-section (1) who owns
more than one residential building, whether or not
in the same locality, shall be competent to take
~ action as-provided.for in that sub-section only in
respect of one of the residential buildings.

(3) A landlord referred to in clause (c). of sub-section
(1) who is in occupation of a residential building
owned by him in any locality shall not be competent
to take action as provided for in 'that locality.

(4) The tenant to whom a notice such as is referred to
in sub-section (1) is abe 'shall deliver vacant possession of the.
building to the landlord and, if he fails to do so and the landlord k
applies to the Controller for ejectment of the tenant from the
building, the Controller shall eject him summarily with the
use of 'Such force as may be necessary. .

(5)_ A landlord referred to in clause (©) of sub-section
(1). who, within one year of his having obtained Possession of a
building as provided for in sub-section (4), relets the building to
any person other than the previous tenant shall be punishable -
! with fine the amount of which shall be equal to the annual rent of
the building calculated at the rate prevailing at the time when
< its possession was so obtained""..

Substitution of 4. In the said Ordinance, for section 15 the following shall
section 15, the be substituted, namely :— r

Baluchistan :

Ordinance VI “15 Appeal.— (1) Any party aggrieved by an order of
of 1959. the Controller

under section 4, section 10, section 12,
or ‘section 13, may, within thirty days of the date of

such order, prefer ari appeal in writing to the High
J Court. Sy

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On such appeal being preferred, the High Court may'

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order stay of further proceedings in the matter pending decision of the appeal:

: Provided that no stay order shall be made in respect of the payment or deposit of rent determined by the Controller:

Provided further that the High Court may direct that, instead of the rent being deposited or paid in cash, security to the satisfaction of the amount of the arrears of the rent shall be furnished by the tenant. '

(3). The High Court shall decide the appeal after sending

for the record of the case from the Controller and after giving

parties an opportunity of being heard and, if necessary, after making, either itself or through the Controller, such further inquiry as it thinks fit. |

. @. All appeals from the order of Rent Controller pending before the District Judges, shall, on coming into force of this Ordinance, stand transferred to the High Court and be decided under this section. :

; (5) No order passed by the Controller or the High

Court under the provisions of this Ordinance shall be called in

in question in any Court by suit or otherwise, except as provided in this Ordinance." : '

QUETTA, ; (Lt. Gen. Rahim-uddin Khan)

Dated the 19th November, 1978. Governor Baluchistan.

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Fakhruddin H. Shaikh

; Secretary, =

Government of Baluchistan,

Law Department... >

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