

1944

Present: de Kretser J..

WEERASINGHE, Appellant, and AZEEZ, Respondent.

85—C. R. Colombo, 93,747.

*Rent restriction—Order of Court of Requests—Right of appeal—Ordinance
No. 60 of 1942, s. 8.*

The existing right of appeal from a judgment of the Court of Requests is not affected by the Rent Restriction Ordinance.

A PPEAL from a judgment of the Commissioner of Requests, Colombo.

E. B. Wikremanayake, for appellant.

G. Thomas, for respondent.

July 21, 1944. DE KRETZER J.—

A preliminary objection was taken to the hearing of this appeal on the ground that no appeal lay and the remarks of Soertsz J. in C. R. Colombo, 93,851, Supreme Court Minutes, July 17, 1944, were read to me. Those remarks were made *obiter* and now an objection has been taken expressly. Section 12, sub-section (12) definitely says that the order of the Board of Assessment shall be final and conclusive. When we turn to section 8, that section does not give the right to the landlord to sue the tenant for ejection. That is a right which he has independent of the Ordinance. What that section does is to curb his right and to limit it to certain circumstances.

In my opinion, therefore, the right of appeal which existed previously is not affected by the Ordinance and I decided to hear the appeal. Having read the evidence and heard Counsel I find no reason to differ from the conclusion arrived at by the learned Commissioner.

The appeal is dismissed with costs.

Appeal dismissed.

