

1970

Present : Thamotheram, J.

J. O. DE ZOYSA, Appellant, and Mrs. VICTOR DE SILVA,
Respondent

S. C. 143/68—C. R. Colombo, 95876/R.E.

Rent Restriction Act (Cap. 274)—Section 13 (1) (d)—“Deterioration” of premises let.

The demolition of a boundary wall of rented premises by the tenant may amount to causing deterioration of the premises within the meaning of section 13 (1) (d) of the Rent Restriction Act.

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

H. Rodrigo, with Asoka Abeysinghe, for the defendant-appellant.

E. A. G. de Silva, for the plaintiff-respondent.

Cur. adv. vult.

October 2, 1970. THAMOTHERAM, J.—

The short point I have to consider in this case is whether a deliberate demolition of a boundary wall of a premises, without the consent of the landlord, for a private purpose of the tenant can amount to deterioration of the premises committed by the tenant under Section 13 (1) (d) of the Rent Restriction Act (Chapter 274).

There is evidence that in addition to the damage to the boundary wall there was some damage to the premises by the demolition, such as the exposure of a drain pipe, erosion of the earth and the weakening of the portion of the boundary wall which also served as a retention wall. There is no doubt that a boundary wall is part of the premises. I cannot say that the learned Commissioner was wrong in holding on the above facts that there had been deterioration (made worse) of the premises by the demolition of the boundary wall.

The appeal is dismissed with costs.

Appeal dismissed.