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SIND ORDINANCE NO.XXVIII OF 1984.

THE SIND TENANCY (AMENDMENT) ORDINANCE, 1984

[30th September, 1984]

An Ordinance to amend the Sind Tenancy Act, 1950.

Preamble.

WHEREAS the Federal Shariat Court has directed to make certain amendments in the Sind Tenancy Act, 1950;

AND WHEREAS it is expedient to amend the Sind Tenancy Act, 1950, in the manner hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and the Provisional Constitution Order, 1981, the Governor of Sind is pleased to make and promulgate the following Ordinance :-

Short title and commencement.

1. (1) This Ordinance may be called the Sind Tenancy (Amendment) Ordinance, 1984.

(2) It shall come into force at once and shall be deemed to have taken effect from Kharif, 1984.

Amendment of section 10 of Sind Act XX of 1950.

2. In the Sind Tenancy Act, 1950, hereinafter referred to as the said Act, in section 10, in sub-section (1), the fullstop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-

"Provided that if the deceased tenant is a Muslim, the tenancy rights shall devolve on his legal heirs according to the personal law to which the deceased was subject.".

Amendment of section 12 of Sind Act XX of 1950.

3. In the said Act, in section 12, for sub-section (1), the following shall be substituted:-

"(1) If a permanent tenant becomes unfit to carry out the duties attached to his tenancy owing to physical or mental in-capacity, the tenancy shall be managed by any of the members of his family nominated by him or in case he is unable to make such nomination due to his mental in capacity, the matter shall be referred to the Tribunal for nominating any member of his family and the

decision of the Tribunal in that behalf shall be final; but the nomination made by the tenant or the Tribunal shall be valid only during the life time of the tenant.".

4. In the said Act, section 25, shall be omitted. **Omission of section 25 of Sind Act XX of 1950.**

5. In the said Act, in section 28— **Amendment of section 28 of Sind Act XX of 1950.**

(a) In sub-section (1), the words "and no lawyer shall be allowed to represent the parties to such dispute" occurring at the end shall be omitted; and

(b) in the Explanation below sub-section (1)—

(i) in clause (a), after the word "landlord" occurring for the second time, the words "or a legal practitioner" shall be added; and

(ii) in clause (b), after the word "deh" the words "or a legal practitioner" shall be added.

6. In the said Act, in section 29, in sub-section (2), the full-stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:- **Amendment of section 29 of Sind Act XX of 1950.**

"Provided that no appeal shall be decided unless the appellant and the other party of the appeal are afforded an opportunity of being heard.".

7. In the Said Act, in section 30, in sub-section (2), before the fullstop at the end, the words "after hearing the parties" shall be added. **Amendment of section 30 of Sind Act XX of 1950.**