

The United Provinces Abatement of Rent Suits Act, 1938

UTTAR PRADESH

India

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Rule

THE-UNITED-PROVINCES-ABATEMENT-OF-RENT-SUITS-ACT-1938 of 1938

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01.

Statement of Objects and Reasons. - The relevant extract of the Statement of Objects and Reasons is reproduced below, vide Gazette, Extraordinary, dated July 23, 1938, page 2. Under Section 61 (1), Agra Tenancy Act, 1926 a suit for abatement of rent can be instituted only up to September 30 in any year. The Agra Tenancy (Amendment) Act, 1937 was passed to enable tenants of permanently settled areas to sue for abatement of rent during the whole of the fasli year ending in June 30, 1938, on the ground of the fall in prices. The experience which has been gained of the working of the Amendment Act has brought to light a new difficulty. Under Section 67 (1), Agra Tenancy Act, no abatement is admissible within a period of twenty years from the date on which rent was last fixed or revised. Hence inspite of the extension of the period of limitation very few suits were filed and tenants whose rents were enhanced at the time of high prices less then 20 years ago could not get their rents abated on the basis of the revised rent rates. To get over the difficulty it is proposed to amend the law to enable tenants other than permanent tenure holders, fixed rate tenants, sub-tenants and tenants of sir to institute suits for abatement of rent irrespective of the period of 20 years. Received the assent of the Governor on September 15, 1938, and was published under Section 75 of the Government of India Act, 1935, on September 24, 1938.[15th September 1938]An Act to extend the period for the institution of suits for abatement of rents in certain permanently settled areasWhereas it is expedient to make provision enabling certain tenants in certain permanently settled areas to sue for abatement of rent during the current fasli year; It is hereby enacted as follows:

1. Short title.

(a) This Act may be called the United Provinces Abatement of Rent Suits Act, 1938. Extent. - (b) It extends to the permanently settled mahals of the Benares Divisions and of the Azamgarh District.

2. Suits for abatement of rent.

- Notwithstanding anything contained in the [Agra Tenancy Act, 1926] [Now repealed by U.P. Act 17 of 1939] or in any other law for the time being in force, a suit for abatement of rent may be instituted by a tenant other than a permanent tenure holder, a fixed rate tenant, a sub-tenant of sir at any time after this Act comes into force and before the first day of July, 1939, irrespective of the period that may have elapsed since the date on which the rent of such tenant was last agreed upon, fixed enhanced or abated: Provided that such suit shall lie only on the ground that there has been a fall in the average local prices of staple food crops during the currency of the rent payable by such tenant.