

Kerala Payment Of Arrears Of Rent In Instalments Act, 1979

29 of 1979

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An Act to provide for installment facility for the payment of arrears of rent and for matters incidental thereto WHEREAS it is expedient to provide for instalment facility for the payment of arrears of rent and for matters incidental thereto; BE it enacted in the Thirtieth Year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Kerala Payment of Arrears of Rent in Instalments Act, 1979.
- (2) It extends to the whole of the State of Kerala .
- (3) It shall be deemed to have come into force on the 19 th day of July, 1979.

2. Definitions :-

In this Act, unless the context otherwise requires, the expressions cultivating tenant, holding, improvement, Land Tribunal, rent and tenant shall have the meanings respectively assigned to them in

the Kerala Land Reforms Act, 1963 (1 of 1964).

3. Payment Of Arrears Of Rent In Instalments :-

(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, or in any contract custom or usage or in any decree or order of any court or Land Tribunal, all arrears of rent accrued due before the 1 st day of January, 1970 and outstanding at the commencement of this Act shall be deemed to be fully discharged if such arrears together with the interest, if any, due thereon at such commencement are paid in six equal half-yearly instalments as provided in sub-section (2).

Explanation.- For the purposes of this sub-section, arrears of rent accrued due from a tenant before the 1 st day of May 1968, shall be deemed to be the amount which his landlord is entitled to recover from him under section 73 of the Kerala Land Reforms Act, 1963 (1 of 1964).

(2) The first instalment shall be paid on or before the expiry of six months from the commencement of this Act and each of the remaining instalments shall be paid on or before the expiry of a period of six months from the last day on which the previous instalment was due:

Provided that the court or Tribunal referred to in sub-section (3) may, if it is satisfied that the tenant was prevented by sufficient cause from depositing any instalment on or before the due date, allow him to deposit the instalment before the expiry of fifteen days from the due date.

(3) The instalments payable under sub-section (2) shall be paid, or deposited in the court or Land Tribunal before which proceedings for recovery of the arrears of rent are pending, or, where no such proceedings are pending, in such court or Tribunal as may be specified by the Government in this behalf, for payment to the person entitled thereto

4. Stay Of Suits, Applications, Etc., For Arrears Of Rent :-

Notwithstanding anything to the contrary contained in any other law for the time being in force, or in any contract, custom or usage, or in any judgment, decree or order of any court or Land Tribunal, with effect on and from the commencement of this Act,-

(a) no suit or application or other proceedings for recovery of arrears of rent referred to in section 3; or

(b) no application for, or proceedings in, execution of a decree or

order for the recovery of such arrears of rent, or other application or proceedings incidental or ancillary thereto, shall lie in any Court or Land Tribunal and all such suits, applications and other proceedings pending in any Court or Land Tribunal at such commencement shall stand stayed.

5. Restoration Of Possession :-

Notwithstanding anything to the contrary contained in any other law or in any judgment, decree or order of any Court or Land Tribunal, where any holding has been sold in execution of a decree or order for arrears of rent referred to in section 3, and the cultivating tenant dispossessed of the holding before the commencement of this Act, such cultivating tenant shall, subject to the provisions of this section, be entitled to restoration of possession of the holding.

(2) Any person entitled to restoration of possession of his holding under sub-section (1) may, within a period of three months after payment of the instalments of rent as provided in sub section (2) of section 3, apply to the Court or Land Tribunal, as the case may be, which passed the decree or order for setting aside the same and for restoration of possession of his holding.

(3) The Court or the Land Tribunal, as the case may be, may after such inquiry as it deems fit, pass an order allowing the application for restoration and directing the applicant to deposit the compensation, if any, received by the applicant under any decree or order of the Court or Land Tribunal towards value of improvements or otherwise and the value of improvements, if any, effected on the land after dispossession as may be determined by the Court or Land Tribunal, within such period as may be specified in the order.

(4) On receipt of the compensation and value of improvements, as required in the order under sub-section (3), the Court or the Land Tribunal, as the case may be, shall restore the applicant to possession of the land, if need be, by removing any person who refuses to vacate the same.

6. Tenants Failing To Pay Instalments In Time Not Entitled To Benefits :-

Any tenant who fails to pay any instalment as provided in sub-section (2) of section 3 on or before the due date shall not be entitled to any benefit conferred by this Act.

7. Limitation :-

In computing the period of limitation of the institution of suits, applications or other proceedings, prohibited or stayed under this Act, the time during which such suits, applications or other proceedings are prohibited or stayed under this Act shall be excluded.

8. Act Not To Apply To Certain Class Of Tenants :-

Nothing contained in this Act shall apply in respect of arrears of rent due from a tenant who is a debtor as defined in clause (4) of section 2 of the Kerala Debt Relief Act, 1977 (17 of 1977).

9. Repeal And Saving :-

(1) The Kerala Payment of Arrears of Rent in Instalments Ordinance, 1979 (10 of 1979), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.