



HARYANA

Judicial Services Exam

CIVIL JUDGE (Junior Division)

Haryana Public Service Commission (HPSC)

Paper - 1

Civil Law - 1



HARYANA JUDICIAL SERVICES

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**East Punjab Urban Rent
Restriction Act**

East Punjab Urban Rent Restriction Act, 1949 Punjab Act No. 3 of 1949

An Act to restrict the increase of rent of certain premises situated within the limits of urban areas, and the eviction of tenants there from.

It is hereby enacted as follows:-

Preliminary

1. Short title, extent and commencement:-

- (a) This Act may be called the East Punjab Urban Rent Restriction Act, 1949.
- (b) It extends to all urban areas in Punjab but nothing herein contained shall be deemed to affect the regulation of house accommodation in any Cantonment area.
- (c) It shall come into force at once.

2. Definitions:-

In this Act, unless there is anything repugnant in the subject or context:-

- (a) "**Building**" means any building or part of a building let for any purpose whether being actually used for that purpose or not, including any land, godowns, out-houses, or furniture let therewith, but does not include a room in a hotel, hostel or boarding-house;
- (b) "**Controller**" means any person who is appointed by the State Government to perform the functions of a Controller under this Act;
- (c) "**Landlord**" means any person for the time being entitled to receive rent in respect of any building or rented land whether on his own account or on behalf, or for the benefit, of any other person, or as a trustee, guardian, receiver, executor or administrator for any other person, and includes a tenant who sublets any building or rented land in the manner hereinafter authorised, and, every person from time to time deriving title under a landlord;
- (d) "**Non-Residential Building**" means a building being used solely for the purpose of business or trade: Provided that residence in a building only for the purpose of guarding it shall not be deemed to convert a "non-residential building" to a "residential building";
- (dd) "**Non-Resident Indian**" means a person of Indian origin, who is either permanently or temporarily settled outside India in either case -
 - (i) for or on taking up employment outside India; or
 - (ii) for carrying on a business or vocation outside India; or
 - (iii) for any other purpose, in such circumstances, as would indicate his intention to stay outside India for a uncertain period;

- (e) "**Prescribed**" means prescribed by rules made under this Act;
- (f) "**Rented Land**" means any land let separately for the purpose of being used principally for business or trade;
- (g) "**Residential Building**" means any building which is not a non-residential building;
- (h) "**Scheduled Building**" means a residential building which is being used by a person engaged in one or more of the professions specified in the Schedule - I to this Act, partly for his business and partly for his residence;
- (hh) "**Specified Landlord**" means a person who is entitled to receive rent in respect of a building on his own account and who is holding or has held an appointment in a public service or post in connection with the affairs of the Union or of a State.
- (i) "**Tenant**" means any person by whom or on whose account rent is payable for a building or rented land and includes a tenant continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a building or rented land by its tenant, unless with the consent in writing of the landlord, or a person to whom the collection of rent or fees in a public market, cart-stand or slaughter-house or of rents for shops has been farmed out or leased by a municipal, town or notified area committee; and
- (j) "**Urban Area**" means any area administered by a municipal committee, a cantonment board, a town committee or a notified area committee or any area declared "by the State Government" by notification to be urban for the purpose of this Act.

3. Exemptions:-

The State Government may direct that all or any of the provisions of this Act shall not apply to any particular building or rented land or any class of buildings or rented lands.

4. Determination of Fair Rent:-

- (1) The Controller shall on application by the tenant or landlord of a building or rented land fix the fair rent for such building or rented land after holding such inquiry as the Controller thinks fit.
- (2) In determining the fair rent under this Section, the Controller shall first fix a basic rent taking into consideration -
 - (a) The prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances during the twelve months prior to the 1st January, 1939; and

- (b) The rental value of such building or rented land if entered in property tax assessment register of the municipal, town or notified area committee, cantonment board, as the case may be, relating to the period mentioned in clause (a):
- (3) In fixing the fair rent of a residential building the Controller may allow, if the basic rent -
- (i) In the case of a building in existence before the 1st January, 1939 -
- (a) Does not exceed Rs. 25 per mensem, an increase not exceeding $8\frac{1}{3}$ percent on basic rent;
- (b) Exceeds Rs. 25 per mensem but does not exceed Rs. 50 per mensem, an increase not exceeding $12\frac{1}{2}$ per cent on such basic rent;
- (c) Exceeds Rs. 50 per mensem, an increase not exceeding 25 per cent on such basic rent;
- (ii) In the case of a building constructed on or after the 1st January, 1939-
- (a) Does not exceed Rs. 25 per mensem, an increase not exceeding 25 percent on such basic rent;
- (b) Exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding $37\frac{1}{2}$ per cent on such basic rent;
- (c) Exceeds Rs. 50 per mensem, an increase not exceeding 50 per cent on such basic rent.
- (4) In fixing the fair rent of a scheduled building the Controller may allow, if the basic rent -
- (i) In the case of a building in existence before the 1st January, 1939 -
- (a) Does not exceed Rs. 25 per mensem, an increase not exceeding $13\frac{1}{3}$ per cent on such basic rent;
- (b) Exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding $17\frac{1}{2}$ per cent on such basic rent;
- (c) Exceeds Rs. 50 per mensem, an increase not exceeding 30 per cent on such basic rent;
- (ii) In the case of building constructed on or after the 1st January, 1939 -
- (a) Does not exceed Rs. 25 per mensem, an increase not exceeding 30 per cent on such basic rent;
- (b) Exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding $42\frac{1}{2}$ per cent on such basic rent;
- (c) Exceeds Rs. 50 per mensem, an increase not exceeding 55 per cent on such basic rent.
- (5) In fixing the fair rent of non-residential building or rented land the Controller may allow, if the basic rent -

- (i) In the case of a building in existence before the 1st January, 1939, or in the case of rented land -
 - (a) Does not exceed Rs. 50 per mensem, an increase not exceeding $37\frac{1}{2}$ per cent on such basic rent;
 - (b) Exceeds Rs. 50 per mensem, an increase not exceeding 50 per cent on such basic rent;
 - (ii) In the case of a building constructed after the 1st January, 1939 -
 - (a) Does not exceed Rs. 50 per mensem, an increase not exceeding 50 per cent on such basic rent;
 - (b) Exceeds Rs. 50 per mensem, an increase not exceeding 100 per cent on such basic rent.
- (6) Nothing in this section shall be deemed to entitle the Controller to fix the fair rent of a building or rented land at an amount less than the rent payable for such building or rented land under a subsisting lease entered into before the first day of January, 1939.

5. Increase in fair rent in what case admissible: -

When the fair rent of a building or rented land has been fixed under Section 4, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and if the building or rented land is then in the occupation of a tenant, at his request:

Provided that the fair rent as increased under this Section shall not exceed the fair rent payable under this Act for a similar building or rented land in the same locality with such addition, improvement or alteration and it shall not be chargeable until such addition, improvement or alteration has been completed:

Provided further that any dispute between the landlord and tenant in regard to any increase claimed under this Section shall be decided by the Controller:

Provided further that nothing in this Section shall apply to any periodical increment of rent accruing under any subsisting agreement entered into before the first day of January, 1939.

6. Landlord not to claim anything in excess of fair rent:-

- (1) Save as provided in Section 5, when the Controller has fixed the fair rent of a building or rented land under Section 4 -
 - (a) The landlord shall not claim or receive any premium or other like sum in addition to fair rent or any rent in excess of such fair rent, but the landlord may stipulate for and receive in advance an amount not exceeding one month's rent ;
 - (b) Any agreement for the payment of any sum in addition to rent or of rent in excess of such fair rent shall be null and void.
- (2) Nothing in this Section shall apply to the recovery of any rent which became due before the 1st day of January, 1939.

7. Fine or premium not to be charged for grant, renewal or continuance of tenancy:-

- (1) No landlord shall in consideration of the grant, renewal or continuance of a tenancy of any building or rented land require the payment of any fine, premium or any other like sum in addition to the rent.
- (2) Nothing in this Section shall apply to any payment under any subsisting agreement entered into before the 1st day of January, 1939.

8. Rent which should not have been paid may be recovered:-

- (1) Where any sum has, whether before or after the commencement of this Act, been paid which sum is by reason of the provisions of this Act irrecoverable, such sum shall, at any time within a period of six months after the date of the payment, or in the case of a payment made before the commencement of this Act, within six months after the commencement thereof, be recoverable by the tenant by whom it was paid or his legal representative from the landlord who received the payment or his legal representative, and may without prejudice to any other method of recovery be deducted by such tenant from any rent payable within such six months by him to such landlord.
- (2) In this Section the expression "legal representative" has the same meaning as in the Code of Civil Procedure, 1908, and includes also in the case of joint family property, the joint family of which the deceased person was a member.

9. Increase of rent on account of payment of rates, etc., of local authority but rent not to be increased on account of payment of other taxes, etc. :-

(1) Notwithstanding anything contained in any other provision of this Act a landlord shall be entitled to increase the rent of a building or rented land if after the commencement of this Act a fresh rate, cess or tax is levied in respect of the building or rented land by any local authority, or if there is an increase in the amount of such a rate, cess or tax being levied at the commencement of the Act:

Provided that the increase in rent shall not exceed the amount of any such rate, cess or tax or the amount of the increase in such rate, cess or tax, as the case may be.

(2) Notwithstanding anything contained in any law for the time being in force or any contract, no landlord shall recover from his tenant the amount of any tax or any portion thereof in respect of any building or rented land occupied by such tenant by any increase in the amount of the rent payable or otherwise, save as provided in sub-section (1).

10. Landlord not to interfere with amenities enjoyed by the tenant :-

(1) No landlord shall, without just or sufficient cause, cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in occupation of a building or rented land may, if the landlord has contravened the provisions of this Section, make an application to the Controller complaining of such contravention.

(3) If the Controller on enquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to restore such amenities.

11. Conversion of a residential building into a non-residential building :-

No person shall convert a residential building into a non-residential building except with the permission in writing of the Controller.

12. Failure by landlord to make necessary repairs :-

If a landlord fails to make the necessary repairs to a building other than structural alterations, it shall be competent for the Controller to direct on application by the tenant, and after such inquiry as the Controller may think necessary, that such repairs may be made by the tenant, and that the cost thereof may be deducted from the rent which is payable by him.

13. Eviction of tenants:-

(1) A tenant in possession of a building or rented land shall not be evicted there from in execution of a decree passed before or after the commencement of this Act or otherwise and whether before or after the termination of the tenancy, except in accordance with the provisions of this Section, or in pursuance of an order made under Section 13 of the Punjab Urban Rent Restriction Act, 1947, as subsequently amended.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the applicant, is satisfied -

(i) That the tenant has not paid or tendered the rent due by him in respect of the building or rented land within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement, by the last day of the month next following that for which the rent is payable:

Provided that if the tenant on the first hearing of the application for ejectment after due service pays or tenders the arrears of rent and interest at six per cent per annum on such arrears together with the cost of application assessed by the Controller, the tenant shall be deemed to have duly paid or tendered the rent within the time aforesaid;

(ii) That the tenant has after the commencement of this Act without the written consent of the landlord -

(a) Transferred his right under the lease or sublet the entire building or rented land or any portion thereof; or

(b) Used the building or rented land for a purpose other than that for which it was leased, or

(iii) That the tenant has committed such acts as are likely to impair materially the value or utility of the building or rented land, or

(iv) That the tenant has been guilty of such acts and conduct as are a nuisance to the occupiers of buildings in the neighbourhood, or

(v) That where the building is situated in a place other than a hill-station, the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause, the Controller may make an order directing the tenant to put the landlord in possession of the building or rented land and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed three months in the aggregate.

- (3) (a) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession -
- (i) In the case of a residential building if -
- (a) He requires it for his own occupation;
 - (b) He is not occupying another residential building, in the urban area concerned; and
 - (c) He has not vacated such a building without sufficient cause after the commencement of this Act, in the said urban area;
 - (d) It was let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment:

Provided that where the tenant is workman who has been discharged or dismissed by the landlord from his service or employment in contravention of the provisions of the Industrial Disputes Act, 1947, he shall not be liable to be evicted until the competent authority under that Act confirms the order of discharge or dismissal made against him by the landlord.

(i-a) In the case of a residential building, if the landlord is a member of the armed forces of the Union of India and requires it for the occupation of his family and if he produces a certificate of the prescribed authority, referred to in Section 7 of the Indian Soldiers (Litigation) Act, 1925, that he is serving under special conditions within the meaning of Section 3 of the Act.

Explanation: -

For the purposes of this sub-paragraph -

- (1) The certificate of the prescribed authority shall be conclusive evidence that the landlord is serving under special conditions; and
 - (2) "Family" means such relations of the landlord as ordinarily live with him and are dependent upon him;
- (i) In the case of a non-residential building or rented land, if -
- (a) He requires it for his own use;
 - (b) He is not occupying in the urban area concerned for the purpose of his business any other such building or rented land, as the case may be; and
 - (c) He has not vacated such a building or rented land without sufficient cause after the commencement of this Act, in the urban area concerned;
- (ii) In the case of any building or rented land, if he requires it to carry out any building work at the instance of the Government or local authority or any Improvement Trust under some improvement or development scheme or if it has become unsafe or unfit for human habitation;

- (iii) In the case of any building if he requires it for use as an office, or consulting room by his son who intends to start practice as a lawyer or as a "registered practitioner" within the meaning of that expression as used in the Punjab Medical Registration Act, 1916, or for the residence of his son who is married, if -
- (a) His son as aforesaid is not occupying in the urban area concerned any other building for use as office, consulting room or residence, as the case may be; and
 - (b) His son as aforesaid has not vacated such a building without sufficient cause after the commencement of this Act, in the urban area concerned:

Provided that where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not, except under sub-paragraph (i-a), be entitled to apply under this sub-section before the expiry of such period:

Provided further that where the landlord has obtained possession of a residential, a scheduled or non-residential building or rented land under the provisions of sub-paragraph (i) or sub-paragraph (ii) he shall not be entitled to apply again under the said sub-paragraphs for the possession of any other building of the same class or rented land:

Provided further that where a landlord has obtained possession of any building under the provisions of sub-paragraph (iv) he shall not be entitled to apply again under the said sub-paragraph for the possession of any other building for the use of, or as the case may be, for the residence of the same son.

- (a) The Controller shall, if he is satisfied that the claim of the landlord is bona fide make an order directing the tenant to put the landlord in possession of the building or rented land on such date as may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed three months in the aggregate.

- (b) Where an application is made under sub-paragraph (i-a) of paragraph (a), it shall be disposed of, as far as may be, within a period of one month and if the claim of the landlord is accepted, the Controller shall make an order directing the tenant to put the landlord in possession of the building on a date to be specified in the order and such date shall not be later than fifteen days from the date of the order.

- (4) Where a landlord who has obtained possession of a building or rented land in pursuance of an order under sub-paragraph (i) or sub-paragraph (ii) of paragraph (a) of sub-section (3) does not himself occupy it or, if possession was obtained by him for his family in pursuance of an order under sub-paragraph (i-a) of paragraph (a) of sub-section (3), his family does not occupy the residential building, or, if possession was obtained by him on behalf of his son in pursuance of an order under sub-paragraph (iv) of paragraph (a) of sub-section (3), his son does not occupy it for the purpose for which possession was obtained, for a continuous period of twelve months from the date of obtaining possession or where a landlord who has obtained possession of a building under sub-paragraph (iii) of the aforesaid paragraph (a) puts that building to any use or lets it out to any tenant other than the tenant evicted from it, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land and the Controller shall make an order accordingly.
- (4-A) Where a tenant is evicted from a residential building or scheduled building in pursuance of an order made under Section 13-A and the specified landlord, or, as the case may be, the widow, child, grandchild or widowed daughter-in-law of the specified landlord, -
- (a) Does not occupy it for a continuous period of three months from the date of such eviction, or
 - (b) Within a period of three years from the date of such eviction of the tenant, lets out the whole or any part of such building, from which the tenant was evicted, to any person other than the tenant, such evicted tenant may apply to the Controller, for an order directing that the possession of the building shall be resorted to him and the Controller shall make an order accordingly.
- (5) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation not exceeding one hundred rupees be paid by such landlord to the tenant.
-

13A. Right to recover immediate possession of residential or scheduled building to accrue to certain persons:-

Where a specified landlord at any time, within one year prior to or within one year after the date of his retirement or after his retirement but within one year of the date of commencement of the East Punjab Urban Rent Restriction (Amendment) Act, 1985, whichever is later, applies to the Controller alongwith a certificate from the authority competent to remove him from service indicating the date of his retirement and his affidavit to the effect that he does not own and possess any other suitable accommodation in the local area in which he intends to reside to recover possession of his residential building or scheduled building, as the case may be, for his own occupation, there shall accrue, on and from the date of such application to such specified landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether expressed or implied), custom or usage to the contrary, a right to recover immediately the possession of such residential building or scheduled building or any part or parts of such building if it is let out in part or parts:

Provided that in case of death of the specified landlord, the widow or widower of such specified landlord and in the case of death of such widow or widower, a child or a grandchild or a widowed daughter-in-law who was dependent upon such specified landlord at the time of his death shall be entitled to make an application under this section to the Controller -

- (a) In the case of death of such specified landlord, before the commencement of the East Punjab Urban Rent Restriction (Amendment) Act, 1985, within one year of such commencement;
- (b) In the case of death of such specified landlord after such commencement, but before the date of his retirement, within one year of the date of his death;
- (c) In the case of death of such specified landlord after such commencement and the date of his retirement within one year of the date of such retirement: and on the date of such application the right to recover the possession of the residential building or scheduled building, as the case may be, which belonged to such specified landlord at the time of his death shall accrue to the applicant:

Provided further that nothing in this section shall be so construed as conferring a right, on any person to recover possession of more than one residential or scheduled building inclusive of any part or any parts thereof if it is let out in part or parts:

Provided further that the Controller may give the tenant a reasonable period for putting the specified landlord or, as the case may be, the widow, widower, child, grandchild or widowed daughter-in-law in possession of the residential building or scheduled building, as the case may be, and may extend such time so as not to exceed three months in the aggregate.

Explanation: - For the purpose of this section, the expression "retirement" means termination of service of a specified landlord otherwise than by resignation.

13B. Right to recover immediate possession of residential building or scheduled building and/or non-residential building to accrue to Non-resident Indian: -

- (1) Where an owner is a Non-Resident Indian and returns to India and the residential building or scheduled building and/or non-residential building, as the case may be, let out by him or her, is required for his or her use, or for the use of any one ordinarily living with and dependent on him or her, he or she, may apply to the Controller for immediate possession of such building or buildings, as the case may be:

Provided that a right to apply in respect of such a building under this Section, shall be available only after a period of five years from the date of becoming the owner of such a building and shall be available only once during the life time of such an owner.

- (2) Where the owner referred to in sub-section (1), has let out more than one residential building or scheduled building and/or non-residential building, it shall be open to him or her to make an application under that sub-section in respect of only one residential building or one scheduled building and/or one non-residential building, each chosen by him or her.
- (3) Where an owner recovers possession of a building under this Section, he or she shall not transfer it through sale or any other means or let it out before the expiry of a period of five years from the date of taking possession of the said building, failing which, the evicted tenant may apply to the Controller for an order directing that he shall be restored the possession of the said building and the Controller shall make an order accordingly.

14. Decision which have become final not to be reopened in appeal: -

The Controller shall summarily reject any application under sub-section (2) or under sub-section (3) of Section 13 which raises substantially the issues as have been finally decided in a former proceeding under this Act.

15. Vesting of appellate authority on officers by State Government:-

- (1)(a) The State Government may, by a general or special order, by notification confer on such officers and authorities as they think fit, the powers of appellate authorities for the purposes of this Act, in such area in such classes of cases as may be specified in the order.
- (b) Any person aggrieved by an order passed by the Controller may, within fifteen days from the date of such order or such longer period as the appellate authority may allow for reasons to be recorded in writing, prefer an appeal in writing to the appellate authority having jurisdiction. In computing the period of fifteen days the time taken to obtain a certified copy of the order appealed against shall be excluded.
- (2) On such appeal being preferred, the appellate authority may order stay of further proceedings in the matter pending decision on the appeal.
- (3) The appellate authority shall decide the appeal after sending for the records of the case from the Controller and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as it thinks fit either personally or through the Controller.
- (4) The decision of the appellate authority and subject only to such decision, an order of the controller shall be final and shall not be liable to be called in question in any Court of Law except as provided in sub-Section(5) of this Section.
- (5) The High Court may, at any time on the application of any aggrieved party or on its own motion, call for and examine the records relating to any order passed or proceeding taken under this Act for the purpose of satisfying itself as to the legality or propriety of such order or proceedings and may pass such order in relation thereto as it may deem fit.

16. Power to summon and enforce attendance of witnesses:-

For the purposes of this Act, an appellate authority or a Controller appointed under the Act shall have the same powers of summoning and enforcing the attendance of witnesses and compelling the production of evidence as are vested in a court under the Code of Civil Procedure, 1908.

17. Execution of Orders:-

Every order made under Section 10, or Section 13, and every order passed on appeal under Section 15 shall be executed by a civil court having jurisdiction in the area as if it were a decree of that court.

17A. Power to transfer proceedings from one appellate authority or Controller to another:-

- (1) The High Court may, on an application made to it or otherwise, by order transfer any proceeding pending before any appellate authority to another appellate authority and appellate authority to whom the proceeding is so transferred may, subject to any special direction in the order of transfer, dispose of the proceeding.
- (2) An appellate authority may on an application made to it or otherwise, by order transfer any proceeding pending before any Controller to another Controller within its jurisdiction and the Controller to whom the proceeding is so transferred may, subject to any direction in the order of transfer, dispose of the proceeding.

18. Landlord and tenant to furnish particulars:-

Every landlord and every tenant of a building or rented land shall be bound to furnish to the Controller, or any person authorised by him in that behalf, such particulars in respect of such building or rented land as may be prescribed.

18A. Special procedure for disposal of applications under Section 13-A or Section 13-B:-

- (1) Every application under section 13-A or section 13-B shall be dealt with in accordance with the procedure specified in this section.
 - (2) After an application under section 13-A or section 13-B is received, the Controller shall issue summons for service on the tenant in the form specified in Schedule II.
- (3) (a) The summons issued under sub-section (2) shall be served on the tenant as far as may be in accordance with the provisions of Order V of the First Schedule to the Code of Civil Procedure, 1908. The Controller shall in addition direct that a copy of the summons be also simultaneously sent by registered post acknowledgement due addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and that another copy of the summons be affixed at some conspicuous part of the building in respect whereof the application under section 13-A or section 13-B has been made.