

IN THE HIGH COURT OF SINDH, KARACHI

CONST. PETITION NO. S-434 of 2025

Petitioners : Muhammad Hussain Mansoori (Deceased)
through LR Muhammad Hanif Mansoori
through Mr. Shahzad Mehmood, Advocate
Respondent : Mst. Farhat Noreen through Sardar Sher
Afzal, Advocate
:

CONST. PETITION NO. S-436 of 2025

Petitioners : Aftab Hussain (Deceased) through LR Omais
Aftab through Mr. Shahzad Mehmood,
Advocate
Respondent : Mst. Farhat Noreen through Sardar Sher
Afzal, Advocate
Date of hearing : **19.08.2026**
Date of Order & : **31.08.2026**
Announcement

ORDER

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NISAR AHMED BHANBHRO, J. Per Office note captioned petitions are fixed for hearing on CMA No 5527 of 2026 in CP No S 434 of 2025 and CMA No 5528 of 2026 in CP No S 436 of 2025, wherein Respondent No 1 seeks urgent hearing of case. Learned Counsel for Petitioners in both the petitions effected appearance and proposed to proceed with main case today. Learned Counsel for Respondent No 1 in both the Petitions conceded to such proposal and shown his readiness to advance arguments on the main case. Both the CMAs thus having served purpose, accordingly stand disposed of.

2. I intend to decide the fate of captioned petitions through a single order as common questions of fact and law are involved.

3. The captioned petitions are directed against the two Judgments Dated 23.10.2024 passed separately by the Learned XIIth Rent Controller (South) Karachi (**Rent Controller**) in Rent Case No.856 of 2021 (Re-Mst. Farhat Noreen V. Muhammad Hussain Mansoori through his legal heirs) and Rent Case No 858 of 2021 (Re- Mst. Farhat Noreen V. Aftab Hussain) and judgments dated 19.03.2025 passed separately by the Court of Learned XIIth Additional District Judge (South) (**Appellate Court**), in First Rent Appeal 304 of 2024 (Re-Muhammad Hussain Mansoori through his Legal Heirs V. Mst. Farhat Noreen) and First Rent Appeal No 305 of 2024 (Re-Aftab Hussain through his Legal Heirs V. Mst. Farhat Noreen) . The ejectment applications filed by Landlady /Respondent No 1 Farhat Noreen were allowed by Learned Rent Controller and First Rent Appeals filed by the Tenants/ Petitioners were dismissed Learned Appellate Court. (The judgment dated 23.10.2024 and 19.03.2025 shall hereinafter be referred as to the “**impugned judgments**”)

4. The facts necessary to sort out controversy between the parties are that the property commercial shops No 1 & 2 (demised premises in both the rent cases) located at Plot No. SB/7/75, Bohri Bazar, Saddar, Karachi was purchased by Abdul Ghaffar Chishti through registered sale deed dated November 28, 2010 from its previous owner Faheemuddin. Late Muhammad Hussain and Late Aftab Hussain were Tenants in the demised premises through previous owner. On change in ownership notice under section 18 of the Sindh Rented Premises Ordinance, 1979 (SRPO, 1979) was given to Tenants. Abdul Ghaffar maintained Rent Case No. 604/2016 before

Learned Rent Controller X Karachi South, seeking eviction on the grounds of willful default and personal bona fide need. The Rent Case was withdrawn for want of jurisdiction. During the intervening period Abdul Ghaffar passed away, leaving behind widow Mst. Farhat Noreen (Respondent No 1) and son Ahmed Raza as surviving legal heirs. Respondent No 1 being widow maintained two separate rent cases under section 14 of the SRPO, 1979 in year 2021 seeking eviction of Tenants by citing wilful default in payment of rent at the rate of Rs 40, 000 per month from the month of December 2010 until July 2021 and personal bona fide need to open business for her son Ahmed Raza.

5. On service of notices, Petitioners who are the statutory tenants being legal heirs of Tenants filed written statement, wherein they specifically denied the assertions of Respondent No 1 made for eviction.

6. Legal Heirs of Muhammad Hussain Tenant in rent case No. 856 of 2021 filed written statement acknowledged tenancy relationship but disputed the rental amount of 40,000. It was averred that agreed rent was Rs. 660 per month. On refusal of owner/landlady to receive rent through procedure provided under section 10 of SRPO, 1979, Tenant filed MRC No. 370 of 2018 and paid rent therein up to December 2022. Personal bona fide need was also denied and labeled as scheme to unlawfully evict Tenant from demised premises, where family was doing lawful business under the name and style of "**Hussain's House of Latest Garments**" over last 60 years.

7. Aftab Hussain tenant in rent case No 858 of 2021 filed written statement acknowledged tenancy relationship but disputed the rental amount of Rs 40,000 per month. It was averred that agreed rent was Rs. 220

per month, on refusal of owner/landlady to receive rent through procedure envisaged under section 10 of SRPO, 1979, Tenant filed MRC No. 369 of 2018 and paid rent therein up to December 2023. Personal bona fide need was also denied and it was asserted that Respondent No 1 under the garb of personal bona fide need intended to oust the tenant who was dealing business in the demised premises since last 60 years under the name and style of “**Aftab Garments**” .

8. On the pleadings of parties, Learned Rent Controller framed following points for determination:

***Point No 1:** Whether opponent is liable to be evicted from the demised premises under section 14 of the Sindh Rented Premises Ordinance, 1979?*

***Point No. 2:** What should the judgment be?*

9. In support of respective claims parties led evidence. Learned Rent Controller Court dismissed both the Rent Cases vide separate judgments dated 02.04.2024, as Respondent No 1 failed to establish her case for eviction in terms of Section 14 of the SRPO, 1979. Respondent No 1 maintained Separate First Rent Appeal No 129 of 2024 (Re-Mst. Farhat Noreen V. Muhammad Hussain Mansoori through his Legal Heirs) and First Rent Appeal No 131 of 2024 (Re- Mst. Farhat Noreen V. Aftab Hussain) before Learned District Judge Karachi (South), which were assigned to the Appellate Court for disposal in accordance with law. Appeals were accepted vide separate Judgments dated 27.07.2024 and judgments dated 02.04.2024 passed by Learned Rent Controller in both the rent cases were set aside, the rent cases were remanded back for decision afresh by converting the eviction application under section 14 into an application under section 15 of SRPO, 1979.

10. On remand of the rent cases, Learned Rent Controller framed following new points for determination in both the case:

Point No 1: *Whether the applicant has demonstrated personal bona fide need for the demised premises under Section 15 of SRPO, 1979.*

Point No 2: *Whether the opponent is in wilful default of rent payments, justifying eviction.*

Point No 3: *What should the Order be?*

11. Parties did not lead evidence afresh. After hearing the parties through their Learned Counsel, Rent Case was allowed on the ground of personal bona fide need, however default in payment of rent was not established, therefore, the said issue was decided in negative. The First Appeals filed by Petitioners were dismissed, through the impugned judgments; hence these petitions.

12. Learned Counsel for Petitioners in captioned petition argued that rent cases were maintained by Respondent No 1 under Section 14 of SRPO, 1979 and were dismissed as she failed to establish her case; that the Appellate Court converted ejectment application filed under Section 14 of SRPO, 1979 into an application under Section 15 of SRPO, 1979 and directed Rent Controller to rehear the parties and decide the rent cases afresh after framing points for determination relating to default and bona fide personal need. He contended that after framing points for determination afresh, Rent Controller did not record fresh evidence and decided the rent cases on the basis of available evidence. He contended that Section 14 of SRPO, 1979 provided only personal need whereas Section 15 of SRPO, 1979 provided for bonafide personal need and principles to establish a case in both the situations were altogether different. He contended that application under Section 14 of SRPO, 1979 can be converted into an application under Section

15 of SRPO, 1979, but in the said event, the evidence ought to have been recorded afresh. He contended that fresh evidence was not recorded and rent cases were allowed on personal bona fide need though bona fide claim for the demised premises was not established. He contended that being co-sharer in the property, Respondent No 1 was not competent to maintain rent case. He placed reliance upon the case of **Mst. Najma Ashraf versus Mst. Noor Jehan [1994 SCMR 913]**, Order dated 09-10-2024 in **Civil Petition No.200-K/2014 in the case of Mst. Fozia Aqeel Zaheer Lari versus Muhammad Aslam**, case of **Syed Fazilat Ul Hoda versus Bashir Muhammad [1997 CLC 992 Karachi]**. He lastly prayed to allow the captioned petitions.

13. Learned Counsel for Respondent No 1 in both Petitions argued that concurrent findings of fact rendered by Courts below were based upon on correct premise, there was no misreading or non reading of evidence pointed out in the findings. He contended that this Court under its writ jurisdiction cannot disturb the concurrent findings of fact unless the same are shown to be perverse to record. He contended that Appellate Court while converting rent applications filed under section 14 into an application under section 15 of the SRPO, 1979 did not direct Rent Controller to record fresh evidence. He contended that affidavit in evidence of Respondent No 1 clearly demonstrated default in payment of rent and personal bona fide need, and evidence of Respondent No 1 remained unshattered to the extent of her personal bona fide need for use of demised premises to open business of her son. He contended that Respondent No 1 being co-owner in the demised premises fell within the definition of Landlady and Rent Case was rightly instituted by her. He contended that impugned judgments did not

suffer from any illegality or infirmity warranting interference by this Court. He prayed for dismissal of petitions.

14. Heard arguments and perused material made available on record.

15. Addressing the issue of maintainability of rent cases, as Petitioners have objected that Respondent No 1, being widow of original owner/landlord namely Abdul Ghaffar Chisti, in her capacity of a co-sharer by way of inheritance, has no locus standi to file ejectment application on ground of personal bonafide need. It is undisputed fact that demised premises were originally owned by Muhammad Faheemuddin and were purchased by late husband of Respondent No 1 namely Abdul Ghaffar Chisti through registered sale deed dated 28-12-2010. There is no denial to the fact that Petitioners were sitting tenants in the demised premises at the time of purchase. Abdul Ghaffar Chisti, passed away leaving behind Mst. Farhat Noureen widow and Ahmed Raza son as surviving legal heirs. On death of Abdul Ghaffar Chisti, both widow and son of deceased became co-owners of the demised premises by way of inheritance. Although, widow/Respondent No 1 and son/Ahmed Raza have their own independent shares in the demised premises but any one from them can initiate ejectment proceedings under Section 15 of SRPO-1979 without joining other co-sharers as party. Respondent No 1 being co-owner squarely fell within the definition of Landlord/Landlady set out under section 2(f) of the SRPO, 1979, which reads as under:

(f) "landlord" means the owner of the premises and includes a person who is for the time being authorized or entitled to receive rent in respect of such premises;

16. Since Respondent No 1 was co-owner in the property, and widow of original owner, a case for eviction maintained by her under section 14 or 15 of the SRPO, 1979 was within the remit of law. However, here the question is raised on the locus standi of the co-sharer to seek eviction of tenant for personal use of the demised premises for other co-sharer. Admittedly other co-sharer Ahmed Raza is son of Respondent No 1 who being mother had a right under the statute to bring a case for eviction on the grounds of personal use of her son. Personal use is defined under section 2(g) of SRPO, 1979 which reads as under:

(g) "personal use" means the use of the premises by the owner thereof or his wife (or husband), son or daughter;"

Even otherwise, under the established law a co-sharer can file ejectment proceedings against a tenant without impleading other co-sharers as party to the proceedings. Least to say that a co-owner represents the interests of all other owners, reference in this regard may be made to the principle laid-down by the Honorable Supreme Court of Pakistan, **in the case of Muhammad Hanif and another v. Muhammad Jamil Turk and 5 others reported as 2002 SCMR 429.**

17. The contention of Learned Counsel for Petitioners that tenants were kept blind from change of ownership of demised premises, and no notice under section 18 of the SRPO was given, as such the rent cases were not maintainable, hath no force,. From pleadings of parties, it revealed that Tenants were in knowledge of change of ownership since 2010 and notices in that respect were also served upon them. Even otherwise institution of rent cases by Respondent No 1 were a sufficient notice in terms of section

18 of the SRPO, 1979 and rent cases cannot be defeated on the assertion that change in ownership was not conveyed to Tenants.

18. Adverting to the core issue raised by Learned Counsel for Petitioners that in first round of litigation, Appellate Court vide separate judgments dated 27-07-2024 decided First Rent Appeals and set aside the dismissal orders, remanded Rent Cases back to Rent Controller with directions to decide afresh after framing points for determination relating to default in payment of rent and personal bonafide need by converting ejectment applications from an application under Section 14 to an application under Section 15 of SRPO-1979.

19. It transpired from record that on framing fresh points for determination as to wilful default and personal bona fide need, no further evidence was recorded and rent case was decided on the basis of available evidence.

20. Under Section 14 of the SRPO, 1979, Landlord who is widow, a minor whose both parents are dead or a salaried person who is to retire within next six months or to attain the age of sixty years, by informing tenant through notice in writing, may seek the delivery of vacant possession of demised premises, within such time as may be specified in the notice, not being earlier than two months from the receipt thereof that he or she needs the building for personal use. If the tenant on receipt of notice failed to deliver the possession of building, the Rent Controller shall, on application by landlord in this behalf, order eviction of tenant from the building in a summary manner, by using such force as may be necessary. For the sake of convenience section 14 of SRPO, 1979 is reproduced below:

14. Delivery of vacant possession. (1) Notwithstanding anything contained in this Ordinance or any other law for the time being in force, the landlord of a building who is a widow, or a minor whose both parents are dead or a salaried employee due to retire within the next six months or has retired or a person who is due to attain the age of sixty years within the next six months or has attained the age of sixty years, may, by notice in writing, inform the tenant that he or she needs the building for personal use and require him to deliver vacant possession of the building within such time as may be specified in the notice, not being earlier than two months from the receipt thereof:

Provided that nothing in this sub-section shall apply where the landlord has rented out the building after he has retired or attained the age of sixty years or, as the case may be, has become widow or orphan.

(2) The landlord shall not be entitled to avail the benefit of sub-section (1) if he is in occupation of a building owned by him in any locality.

(3) Where the tenant has failed to deliver the possession of the building under sub-section (1), the Controller shall, on application by the landlord in this behalf, order eviction of the tenant from the building in a summary manner, by using such force as may be necessary.

21. From the perusal of above provisions of law, it is crystal clear that proceedings under section 14 of SRPO, 1979 were summary in nature and such a relief is only available when landlord is a widow, or a minor whose both parents are dead or a salaried employee who is due to retire within next six months or has retired or a person who is due to attain the age of sixty years within next six months or has attained the age of sixty years. This provision however cannot be invoked, if premises were rented out after retirement or after attaining the age of sixty years or, as the case may be. The landlord shall not be entitled to avail the benefit of this provision of law, if in occupation of a building owned by him in any locality.

22. Record manifested that on receipt of ejectment applications, Learned Rent Controller did not examine its contents, as prima facie it was a case seeking eviction under section 14 and 15 of the SRPO. Respondent No 1 claimed eviction on the grounds articulated under section 14 of SRPO, 1979 that she was widow, besides she also claimed eviction on the grounds of default in payment of rent and personal bona fide need for opening business for her son, which constituted a reasonable ground of eviction under section 15 of the SRPO, 1979. Learned Rent Controller did not decide rent applications summarily in terms of Section 14 of SRPO, 1979 and adopted the procedure envisaged under section 19 of the SRPO, 1979, framed points for determination and recorded evidence of parties. For the ease of reference Section 19 is reproduced below:

19. Procedure. (1) Where an application other than the application under section 14 has been made to the Controller under this Ordinance, he shall, unless the application is summarily dismissed by him for reasons to be recorded, issue a notice to the respondent to file written reply, if any, within such period not exceeding fifteen days of the receipt of the notice.

(2) Where on the day fixed in the notice for the respondent to file written reply, it is found that the notice has Compensation for vexatious eviction. in been served but the respondent has failed to file his reply without any reasonable excuse, the Controller may, proceed to make an exparte order and after such order has been made the Controller shall have no power to rescind such order.

(3) Where the respondent has filed the written reply, the Controller shall proceed to receive evidence first of the applicant and his witnesses and then of the respondent and his witnesses.

(4) A party to a case under this Ordinance shall prove the evidence of his witness by producing the affidavit of such witness a copy of which shall simultaneously be supplied to the other party and such other party shall have the right to cross examine the

witness on such affidavit and if the witness has been cross examined the party producing the witness may reexamine him.

(5) The Controller shall, instead of formally framing issues arising between the parties, state them briefly in the judgment and shall record findings on each such issue separately.

23. It is vivid and clear from the above provisions of law that points under dispute are framed and evidence is recorded in the rent cases, where eviction is sought by invoking the provisions of the SRPO, 1979 other than that of Section 14. From the contents of Ejectment Application, it manifested that eviction was sought on the grounds of personal bona fide need, default in payment of rent and widowhood of Respondent No 1, thus Learned Rent Controller ought to have framed all the points under dispute to settle the controversy and put the litigation at rest within reasonable time. Learned Rent Controller went on for determination of the maintainability of ejectment application within the limb of section 14 of the SRPO.

24. It is a trite law that “not the form of a law suit but its substance” was relevant for right decision in the case. Learned Rent Controller, therefore was required to apply its judicious mind and ought to have decided the rent case per pleadings of parties rather on the heading of law suit which stated that it was an application for eviction under section 14 of the SRPO, 1979. Learned Appellate Court, thus was right in holding that eviction was sought under sections 15 of the SRPO, 1979, and ordered to convert rent cases accordingly through its judgments dated 27.07.2024. It was further the matter of record that judgments dated 27-07-2024 passed by the Appellate Court in the first round of Appeals remained unchallenged and thus attained finality.

25. In essence, it was a case for eviction in terms of section 14 and 15 of the SRPO, 1979 and learned Rent Controller ought to have decided it by

framing the issues for eviction under section 14 and 15 of the SRPO, 1979 together. Had this been done, the multiple proceedings in the case could have been avoided. The Courts must adopt the measures to ensure that principles of judicial economy are followed and parties are not let to suffer unnecessary for getting a verdict in the case within reasonable time for want of omission to adopt mandatory procedure since inception of the law suit. This principle of judicial economy can be achieved by strict adherence and following of statutory provisions. If case is remanded back, for want of any legal deviation, it hurts the foundational concept of justice system that a right must go to the person to whom it belongs without delay and unduly burdens the litigant with further costs and consumes unnecessary time of court, besides the concept of "time value of money" also stands defeated.

26. It further transpired from record that on post remand learned Counsel for parties advanced arguments on 03-10-2024 & 11-10-2024 respectively and thereafter learned Rent Controller allowed ejectment application under Section 15 of SRPO-1979, on ground of personal bonafide need. Apparently, post remand of rent case, the parties to the ejectment application did not file any application in writing or made an oral request before Rent Controller, to adduce further evidence or for cross examination of opposite party in regard to new points framed for determination of default in payment of rent and personal bona fide need. Rather, both parties opted to advance arguments only, which is evident from the judgments as well as diary sheet maintained by learned Rent Controller.

27. A cursory analysis of evidence available on record demonstrated that it was recorded in support of issues framed to determine whether a case for eviction under section 14 of the SRPO, 1979 was made out or not. Claim of landlady of wanting the demised for personal need is seriously

challenged as not genuine and in support of such assertion previous attempt by her husband to evict the tenants were quoted. In short stand taken by the tenants in written statement is that need of the landlady is not bona fide but mala fide. In evidence landlady filed affidavit of her attorney who simply stated that premises were needed to establish business of Ahmed Raza, in cross examination, attorney of Landlady frankly conceded that Ahmed Raza was doing his business at another place too.

28. On post remand, the same evidence was adopted, which was not sufficient to establish the factum of personal bona fide need. In the circumstances when points for determination were framed afresh, it was incumbent upon Learned Rent Controller to offer the parties to adduce fresh evidence. Admittedly, cross examination of parties in earlier round related to issue framed for determination of dispute which was restricted to maintainability of rent case under section 14 of the SRPO, 1979.

29. From the pleadings and affidavit in evidence of Respondent No 1's attorney, though bona fide need was asserted but emphasis of landlady was upon non payment of monthly rent at the rate of Rs 40,000. Default in payment of rent and claim of landlady for rent of Rs 40,000 per month was disbelieved by Rent Controller and went unchallenged as no appeal was preferred against the findings rendered on this issue. Respondent No 1 asserted positively in the ejectment application and affidavit in evidence that requirement was bona fide, Tenants denied such assertion through written statement and affidavit in evidence that same was a mala fide claim. It reflected from record that Counsel for the parties did not cross examine witnesses to establish personal bona fides or mala fides of landlady, perhaps for a clear reason that no such points for determination was framed,

when witnesses appeared in the witness box, therefore evidence was restricted to the relevant issue.

30. In the circumstances evidence brought on record clearly demonstrated the intention of parties to contest eviction under section 14 and not under section 15 of the SRPO, 1979. No specific questions were put to witnesses from either side to establish bona fides or mala fides of the personal need. Learned Rent Controller made a complete departure from the settled principles of appreciation of evidence by holding that no other alternative commercial premises were available to the landlady to establish business for her son Ahmed Raza. More particular when neither the landlady nor Ahmed Raza effected appearance in the witness box to say that premises were required for their bona fide personal need and no other commercial property was available to them for such purpose. In absence of such a crucial piece of evidence, it was unsafe and unreasonable to hold that personal bona fide need was established. Though no evidence with regard to non availability of alternate commercial property was agitated in the ejectment application or affidavit in evidence of Respondent No 1's Attorney who admitted his unawareness of the complete facts of the case in cross examination thus such an observation tantamount to the substitution of findings perverse to record and result of misreading of the evidence.

31. On framing the points for determination afresh, Learned Rent Controller was required to ask parties to lead fresh evidence, failure thereof occasioned in miscarriage of justice. Learned Rent Controller ought to have summoned landlady or Ahmed Raza to appear in the witness box by

invoking its powers conferred under section 20 of the SRPO, 1979, which reads as under:

20. Power of Civil Court. (1) Subject to this Ordinance, the Controller and the appellate authority shall, for the purpose of any case under this Ordinance, have powers of a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of only the matters, namely: – (a) Summoning and enforcing the attendance of any person and examining him on Oath; (b) Compelling production or discovery of documents; (c) Inspecting the site; and (d) Issuing commission for examination of witnesses or documents.

32. From the perusal of above provisions, it is vivid and clear that Rent Controller and Appellate Authority were conferred upon the powers of Civil Court for summoning and enforcing the attendance of any person and to examine him on oath. When a party claimed eviction on the ground of personal bona fide need then to establish such fact, it was incumbent upon the said party to appear in the witness box and withhold the test of cross examination. In absence of such evidence and by mere examination of attorney who was not aware of the complete facts of the case, it was not safe to hold that bona fides of the claim stood proved. In the circumstances, even if the parties to the litigation did not come forward to seek fresh evidence, in the safe administration of justice, it was the duty of Learned Rent Controller to examine the witnesses afresh, more particular when earlier evidence was adduced by the parties on a different issue.

33. This Court is very slow in interfering with the concurrent findings of fact rendered by two courts below while seized in its extra ordinary writ jurisdiction conferred under article 199 of the Constitution of Islamic Republic of Pakistan of, 1973 (the Constitution). However, this principle is not so rigid, that in all situations this Court may deal with the concurrent

findings as sacrosanct and sanctified. This Court unhesitatingly interferes into the concurrent findings when they are found to be perverse to record, there is serious mistake of misreading or non-reading of the evidence or the findings suffered from jurisdictional defect through failure to exercise the jurisdiction vested or exercise of jurisdiction not vested. As such the findings rendered by the Courts below suffered from jurisdictional defect as the Courts below failed to exercise the jurisdiction vested in them, there was a serious misreading and non reading of the evidence on record, warranting interference by this Court.

34. The case laws relied upon by Learned Counsel for Petitioners are relevant to the facts and circumstances of the case, thus not reproduced to avoid repetition.

35. For the foregoing reasons, a case for indulgence of this Court to exercise the powers of judicial review conferred under article 199 of the Constitution is made out. Consequently, captioned petitions are allowed. The impugned Judgments Dated 23.10.2024 passed separately by the Learned Rent Controller in Rent Case No. 856 of 2021 (Re-Mst. Farhat Noreen V. Muhammad Hussain Mansoori through his legal heirs) and in Rent Case No 858 of 2021 (Re- Mst. Farhat Noreen V. Aftab Hussain) and impugned judgments dated 19.03.2025 passed separately by the Learned Appellate Court in First Rent Appeal 304 of 2024 (Re-Muhammad Hussain Mansoori through his Legal Heirs V. Mst. Farhat Noreen) and First Rent Appeal No 305 of 2024 (Re- Aftab Hussain through his Legal Heirs V. Mst. Farhat Noreen) are hereby set aside. The case is remanded back to the Court of learned Rent Controller for recording of the further evidence or fresh evidence as desired by the parties. The Learned Rent Controller in order to

arrive at a fair and just conclusion of the case as to the determination of personal bona fide need shall summon and examine Ahmed Raza or Landlady herself if they do not come forward voluntarily to adduce evidence. It would be appreciated if both the rent cases are finalized within the shortest possible time.

36. Copy of this order shall be transmitted to Learned Rent Controller for compliance. Learned MIT - II to ensure compliance.

37. Captioned Petitions stand disposed of in above terms. Office to place signed copy of order in the connected file.

JUDGE

Approved for reporting