

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

CP No.S-75 of 2020

M/s. Air Services (Pvt.) Ltd.	Petitioner
Vs.	
M/s. Pakistan Institute of International Affairs & others	Respondents

CP No.S-677 of 2020

M/s. Pakistan Institute of International Affairs	Petitioner
Vs.	
M/s. Air Services (Pvt.) Ltd. & another	Respondents

Date of hearings : 02.09.2024 & 16.09.2024
Date of order : 16.09.2024.

Mr. S. Abid Hussain Shah, advocate for petitioner
 Mr. Asad Ali Khan, advocate for respondent No.1

ORDER

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MUHAMMAD IQBAL KALHORO J: Respondent, landlord, filed a rent application for fixing fair rent under section 8 of Sindh Rented Premises, 1979 against the petitioner, tenant, in respect of two offices one at ground floor admeasuring 1744 square feet and the other mezzanine floor 755 square feet situated at P.I.I.A. Building, Din Muhammad Wafai Raod, Karachi.

2. This application was contested by the respondent but the rent case ended in the order 02.05.2017 fixing the fair rent on the basis of evidence produced by the parties at Rs.30 per square feet per month for both the offices with effect from February, 2012 when the case was filed. Petitioner, however, challenged the same by filing FRA No.393/2017, which has been allowed by the impugned judgment in the terms whereby instead of Rs.30, respondent has been held entitled to receive Rs.20 per square feet from the date of institution of application i.e. February, 2012.

3. This judgment has been challenged by the both the parties in these petitions. CP No.S-75 of 2020 has been filed by the tenant, Air Service (Pvt.) Ltd. seeking for further reduction in the rent. And CP No.S-677/2020 has been filed by M/s. Pakistan Institute of International Affairs seeking enhancement in the rent.

4. In CP No.S-75/2020, learned counsel has argued that petitioner has no objection to pay Rs.20 per square feet as far as the office on the ground floor is concerned, but the same rate of the office at mezzanine floor is inequitable and at least 70% of which may be reduced.

5. Whereas, learned counsel for the respondent and petitioner in CP No.S-677/2020 has argued that petitioner i.e. Pakistan Institute of International Affairs

is the landlord of so many offices situated in the same building, the other tenants are paying much higher rent, within the range of Rs.124 to Rs.134 per square feet, whereas, the rent fixed by the appellate Court at Rs.20 is much lower and is not justified. He has, however, admitted that against fixation of rent at Rs.30 by the Rent Controller, the petitioner had not filed any appeal and that he has filed this petition against the appellate Court's judgment, whereby, the rent has been fixed at Rs.20.

6. I have considered arguments of both the parties. Besides pressing to lower rent of mezzanine floor at a considerable level, learned counsel for the petitioner in CP No.S-75 of 2020 has stated that petitioner is an old tenant and in addition to the rent has been paying all the other dues, hence, Rs.20 for the office at mezzanine floor is not justified. Whereas, from the other side, the rent agreements in respect of premises/offices in the same building owned by respondent has been referred to. I have gone through the said agreements and judgments of both the Courts below. The learned appellate Court without referring to any document or evidence justifying reduction in the fair rent has reduced the rent from Rs.30 to Rs.20 in a cursory manner. The findings recorded without supporting reason are considered bad in law and cannot be upheld.

7. On the other hand, the learned trial Court has made a long discussion and has referred to the evidence and the documents produced by the parties to warrant its findings of fixation of fair rent at Rs.30 per square feet in respect of both the offices. Although, learned counsel for the petitioner in CP No.S-75/2020 has emphasized that the rent of mezzanine floor should be less than the rent of office at the ground floor, but he has not referred to any case law or a precedent to justify his arguments. Both the offices are situated in the same building, one upon the other. Keeping in view the rent being paid by the other offices in the surroundings, which is evident from the rent agreements produced by learned counsel for the landlord plus the evidence; fixation of rent at Rs.30 by the Rent Controller does not seem to be erroneous or based on surmises. Hence, I dismiss CP No.S-75/2020; and dispose of CP No.S-677/2020 by upholding the findings of learned Rent Controller regarding fixation of the rent of the two offices at the rate of Rs.30 per square feet, per month.

Petitions stand disposed of along with pending applications in above terms.

Office to place a copy of this order in connected petition.

JUDGE