

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No.S-1423 of 2024

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Date	Order with Signature of Judge
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Bushra Jamil .....*Petitioner*

*Versus*

Muhammad Ilyas Sheikh and others.....*Respondents*

Date of hearing :05.05.2025

Date of Judgment: :05.05.2025

Mr. Umer Awan, advocate for the Petitioner.  
Ms. Naila Tabassum, advocate for Respondent No.1.

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**JUDGMENT**

Through instant petition, the Petitioner has impugned judgment dated 07.11.2024 passed in FRA No.165/2024. The said First Rent Appeal emanated from the judgment dated 09.07.2024 passed in Rent Case No.305/2023.

2. Learned counsel for the Petitioner has stated that the ejectment application was allowed in the Rent Case vide order dated 09.07.2024 and thereafter, the said order was set-aside in F.R.A. No.165/2024. Learned counsel has stated that he had filed a rent case primarily on the ground of personal bonafide need and the ejectment application was allowed by the trial Court. In addition to the above ground, learned counsel has sought ejectment on the ground of willful default. Learned counsel stated that the order of the learned Rent Controller is well reasoned and sustainable and the Appellate Court has interfered in the findings given by the trial Court without assigning any cogent reason thereof.

3. Learned counsel for the Respondent has affected appearance today, the circumstances regarding her affecting appearance are noted in order dated 18.04.2025 and the same may not be reiterated. Learned counsel for the Respondent stated that the power of attorney executed in favour of the Attorney was executed prior to the purchase of the tenement in question by the Petitioner. She has further stated that no personal need has been made out neither has the Respondent committed default. She has lastly contended that the order of the

learned Appellate Court may be upheld and the Respondent No.1, is a person of advanced age. She lastly stated that the Respondent requires one year's time to vacate the subject tenement.

4. I have heard the learned counsel for the parties and perused the record. Most specifically, I have examined the judgments of the Courts below. In the light of the specific question posed by me, learned counsel for the Petitioner, vide order dated 26.03.2025 sought time to place on record the cross examination of the Petitioner and the same was complied with by the learned counsel. I have examined the record produced through statement dated 10.04.2025 and I have also perused the cross examination of the Petitioner available at page 9 of the said statement. Bare perusal of the cross examination reveals that not a single question regarding personal need of the Petitioner was posed by the learned counsel for Respondent. I specifically asked her regarding the observation made above in reference to the said cross examination and she has very candidly stated acceded to the said observation. However, at the same time she has reiterated that the said need was not made out by the Petitioner. It is well settled principal of law that once the statement of the landlord is unrebutted and unshaken during cross examination the ejection proceedings must consequently follow. In light of the fact that no question regarding the personal need was asked during the cross examination of the Petitioner, it is held that the said requirement was met and the statement of the Petitioner went unrebutted and the same stood proved. I agree with the contention of the learned counsel for the Petitioner that the learned Appellate court gave no reason whatsoever for setting aside the order of the learned Rent Controller. In the light of what has been held above, there is no need to extensively deliberate on the ground of willful default as the Petitioner is entitled for the ejection of the Respondent from the subject tenement.

5. Accordingly, instant petition is allowed. Respondent No.1 is directed to vacate the subject tenement within sixty (60) days from the today.

Judge

Nadeem