

Judgment sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Present  
Mr. Justice Muhammad Jaffer Raza

Constitution Petition No. S – 53 of 2025

Khan Muhammad ..... Petitioner  
  
Versus  
Muhammad Aamir Sadiq and others ..... Respondents

Constitution Petition No. S – 54 of 2025

Khan Muhammad ..... Petitioner  
  
Versus  
Muhammad Aamir Sadiq and others ..... Respondents

Constitution Petition No. S – 55 of 2025

Umar Daraz ..... Petitioner  
  
Versus  
Muhammad Aamir Sadiq and others ....Respondents

Constitution Petition No. S – 56 of 2025

Muhammad Ashraf Riaz Ahmed .....Petitioner  
  
Versus  
Muhammad Aamir Sadiq and others ..... Respondents

Date of Hearing : 12.05.2025

Date of announcement : 12.05.2025

None for the Petitioners.  
Mr. Naeem Suleman, advocate for the Respondent.

J U D G E M E N T

**Muhammad Jaffer Raza, J:** - Through instant common Judgment, the  
aforementioned petitions are being adjudicated upon.The details of the respective  
Rent Applications, First Rent Appeals and tenements is tabulated below: -

Sr. No.	C.P. No.	FRA No	Order in FRA	Rent Case	Order in Rent Case
1	53/2025	260/2024	28.11.2024	88/2021	10.09.2024
2	54/2025	262/2024	28.11.2024	90/2021	10.09.2024

3	55/2025	259/2024	28.11.2024	87/2021	10.09.2024
4	56/2025	256/2024	28.11.2024	84/2021	10.09.2024

2. Instant rent petition was filed on 25.01.2025 and fixed in Court on 28.01.2025, when notices were ordered to be issued to the Respondents. Thereafter, on 11.02.2025 notices were ordered to be repeated through the Executing Court and interim order was granted. The matter was subsequently adjourned for 19.03.2025, on which date, brief was held on behalf of the Petitioners' counsel. Thereafter, urgency application was preferred by the learned counsel for the Respondents and the matter came up for hearing on 29.04.2025, on which date, learned counsel for the Petitioners was again not present and the matter was adjourned for today.

3. Learned counsel for the Respondents has stated that there are concurrent findings of the Courts below and status quo orders are operating against him and the instant petitions may be heard in the absence of the counsel for the Petitioner, who has not affected appearance after granting of interim orders.

4. Brief facts of the case are that instant petitions have been filed against the impugned orders dated 28.11.2024 in the FRAs tabulated above. The said First Rent Appeal(s) emanated from ejectment orders passed in Rent Cases filed by the Respondent as tabulated above. Learned counsel for the Respondents has invited my attention to the Rent Application, more particularly to paragraph No.5 of the same. The same is reproduced below: -

*“5. That on the ground floor of the property in question there are four shops, one occupied by the opponent while one shop g-1 has been rented out by the applicants in July 2020, having got it vacated from the previous tenant by compensating the said tenant while two other shops are occupied by other tenants and the applicants at present are jobless and not doing business as such the shop in question along with other shops are required by the applicants start business of restaurant for which the opponent is liable to be ejected. Although tenant of shop No.G-1 through the tenancy agreement with the applicants has agreed to vacate the said shop as and when required by the applicants but the business of restaurant cannot be run in one shop as such rent cases are filed against tenants of two other shops on the ground floor. It is pertinent to mention here that to run a Restaurant big space is required as such the applicant are also filing rent cases against tenants of Shop No.G-2 and G-3.”*

5. Learned counsel for the Respondents has stated that the ground of personal bonafide need was specifically taken in the said Rent Application. He has further argued that not a single question pertaining to personal bonafide need has been asked by the learned counsel for the Petitioners during cross examination. At the insistence of the learned counsel for the Respondents, I have examined the cross examination of the Respondent in the respective rent cases. It is apparent from the bare perusal of the cross examination that not a single question regarding personal bonafide need was put to the Respondent/landlord during such cross examination. It is a settled principle of law that once the landlord steps into the witness box and the plea of personal bonafide need is unrebutted and unshaken, ejectment proceedings must follow. It is apparent that not a single question regarding the personal bonafide need was asked as noted above, therefore, the Petitioners are liable to be ejected from the tenement(s) in question. Reliance in this regard is placed on the following judgements:

- **Shakeel Ahmed & another v. Muhammad Tariq Farogh<sup>1</sup>**

*“6. For seeking eviction of a tenant from the rented shop, the only requirement of law is the proof of his bona fide need by the landlord, which stands discharged the moment he appears in the witness box and makes such statement on oath or in the form of an affidavit-in-evidence as prescribed by law, if it remains unshattered in cross-examination and unrebutted in the evidence adduced by the opposite party.”*

- **Jehangir Rustom Kakalia vs. State Bank of Pakistan<sup>2</sup>**

*“Rule laid down in the cases mentioned above is that on the issue of personal need, assertion or claim on oath by landlord if consistent with his averments in his application and not shaken in cross-examination, or disproved in rebuttal is sufficient to prove that need is bona fide.”*

4. In the light of what has been held above, instant petition(s) being devoid of any merits are hereby dismissed along with listed application with no order as to costs.

Judge

Nadeem

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<sup>1</sup> 2010 SCMR 1925

<sup>2</sup> 1992 SCMR 1296