

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**C.P.No.S-104 of 2009**

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DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

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**HEARING/PRIORITY CASE**

1. For hearing of CMA No.602/2009
2. For hearing of main case.

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**25.10.2016**

Mr. Sadruddin Hudda, Advocate for the Petitioner.  
Mr. Abdul Waheed Kanjoo, Advocate for the  
Respondent.

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This petition is filed against the order passed in FRA No.224/2006, which emanated from the Order of the trial Court in Rent Case No.1762/2001. The absolute thrust of the Petitioner counsel's contention is that the appeal filed against the Order of the Rent Controller was time barred. Learned counsel referred to Section 21(1) of Sindh Rented Premises Ordinance, 1979, (SRPO), which provides that appeal has to be filed against the order of the Rent Controller within 30 days. It appears that the Order of the Rent Controller is dated 12.04.2006, where-after the landlord filed an application for certified copy on 08.05.2006, which is about 26 days after the date of the order. Be that as it may, the certified copy was ready on 31.05.2006, which was received by the landlord on the same date and the appeal was filed on the same date.

The core of the learned counsel's contention is that the landlord reached to obtain certified copy on the last few days, therefore, the time exhausted in preparing the certified copy should be included in the statutory period of 30 days, which has been provided by section 21(1) of the SRPO. In support of his contentions,

he has relied upon the case law reported as 1999 MLD 2132, 2000 MLD 1466 and PLD 1969 SC 167. The citations were read at length, which principally establish that if a person does not receive the certified copy, which was readily available and files any action after delay, such lapsed time would not be allowed to be exhausted. As one can imagine this proposition is in absolute harmony of the legal prudence. However, the case at hand is different, where the Respondent reached 26 days after the date of the Order, the certified copy was made available on 31.05.2006 and he received the same on the same date and subsequently filed the appeal on the same date too. So in principal, the appeal in question was within the time of 30 days.

I, therefore, do not find any merit in the contention of the learned counsel and dismiss the instant petition with cost of Rs.5000/- to be deposited with the Clinic of this Court.

Judge

Manzoor