

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD
C.P.No.D-693 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on MA 6308/17

17.05.2017.

Mr. Muhammad Jabbar Shaikh, advocate for petitioners.

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Urgency is granted.

Learned counsel for petitioners, inter alia, contends that the respondents No.2 and 3 have failed to exercise the jurisdiction vested in them u/o 21 Rule 99 & 103 PPC and so also under section 151 CPC while holding and observing the proceedings under that head of provision to be rent proceedings on the contrary from the very wordings used in this provision makes it clear that such proceedings are civil proceedings in stricto sensu as such the very impugned order is against the spirit and essence of law. He also contends that the learned trial Court as well as the learned revisional Court have miserably failed to grasping the spirit and essence of law involved in the proceedings undergoing before him for the determination of legal right, character and the question of possession which is beyond the jurisdiction of the rent controller, hence on this single the impugned order is liable to be reversed and set aside. He lastly contended that both the impugned orders dated 16.1.2017 and 07.3.2017 passed by the learned respondents No.2 and 3 are without jurisdiction, capricious, illegal, unlawful, ultra vires, justice and equity and are liable to be struck down by this Honourable Court by exercising its powers under constitutional jurisdiction to correct a patent illegality.

Contention raised by learned counsel for petitioner requires consideration.

Let notice be issued to learned Add.A.G and respondent No.1 for 15.8.2017. In the meantime, the proceedings pending in the Court of Second Senior Civil Judge, Hyderabad is suspended till next date of hearing.

JUDGE

JUDGE

Ahmed/Pa