

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.S-1459 of 2016

DATE **ORDER WITH SIGNATURE OF JUDGE**

1. For katcha peshi.
2. For hearing of MA-12605/2016

16.11.2016.

Mr. Mehmood Qadir Khokhar, Advocate alongwith petitioner.
Mr. Imtiaz Ali Abbasi, Advocate alongwith respondent No.2.

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Today, both the learned Counsel alongwith their respective clients/parties, that is, petitioner Ubedullah and respondent No.2-Azad Iqtadar Khan are present and the instant constitutional petition is disposed of by the following order, which is passed by consent of all the parties:-

- (i) The petitioner Ubedullah S/o Inayatullah (tenant) shall handover the vacant, peaceful and physical possession of the demised premises viz. Shop No.19, situated at Muhammad Ali Complex, Unit No.10 Latifabad, Hyderabad in a habitable condition to respondent No.2/landlord-Azad Iqtadar Khan or to any of his duly appointed attorney on 30.12.2016 at 3:00 p.m.
- (ii) During this period the terms of the tenancy shall continue and the petitioner shall be liable to pay the regular rent as well as utility bills of the said premises and will abide by other terms and conditions, if any.
- (iii) That if on 30.12.2016 by 3:00 p.m. the petitioner fails to handover the physical, vacant and peaceful possession of the demised premises to the respondent No.2-Azad Iqtadar Khan, then a writ of possession shall be issued against the petitioner, or any other person found in possession of the said premises, as well as in respect of the premises without any further notice.
- (iv) That if the petitioner fails to comply with any of the terms and conditions of the tenancy, in particular payment of rent, then as a consequence whereof the respondent No.2/landlord shall be entitled to get the writ of possession issued forthwith without any further notice.

At this juncture, the petitioner's Counsel points out that they have deposited a sum of Rs.10,000/- (Rupees Ten Thousand) as a security with the respondent No.2, which he is entitled to receive at the time of handing over the physical possession of the demised premises. It is hereby ordered that respondent No.2/landlord shall handover a cheque of Rs.10,000/- in the name of petitioner at the time of taking over the physical, vacant and peaceful possession of the demised premises and in case any utility charges or rent, if remained unpaid, shall be deducted or adjusted from the said security deposit. All the listed applications are also disposed of and the parties to bear their own costs.

JUDGE

Shahid