

IN THE HIGH COURT OF SINDH, KARACHI

Constitution Petition No.S-429 of 2016

Present: Mr. Justice Nazar Akbar

Petitioner : Muhammad Imran
Through Mr. Ali Zaheer, advocate.

Versus

Respondent No.1 : Muhammad Farooq
through Mr. Muhammad Arif, advocate.

Respondent No.2 : Muhammad Zubair. (Nemo).

Respondent No.3 : IVth Addl. District Judge, Karachi Central.

Respondent No.4 : IVth Rent Controller, Karachi Central.

Date of hearing : **20.11.2018**

Date of Judgment : **24.12.2018**

J U D G M E N T

NAZAR AKBAR, J- The petitioner through this constitution petition has challenged the order dated **13.2.2016** passed by the IVth Additional District and Sessions Judge, Central Karachi whereby the application under **Order 1 Rule 10 CPC** read with **Section 13 SRPO 1979** for impleading the Petitioner as party in FRA No.32/2014 has been dismissed. Subsequently, the appellate Court by order dated **08.9.2016** (which is available in connected C.P No.S-1551/2016) disposed of FRA No.32/2014 and set aside the order passed by the Rent Controller in Rent Case No.343/2012 and remanded the rent case to the trial Court in the following terms.

*The parties and their learned counsels are directed to appear before the learned Rent Controller on **28.09.2016** and no Court motion notices are required to be issued by the learned Rent Controller. Since the matter is old pertaining to the year, 2012, therefore, the learned Rent Controller shall not grant unnecessary adjournment and dispose of the matter within one month. parties are left to bear their own costs.*

To be very precise the Petitioner was aggrieved by the order of the Rent Controller dated **06.3.2014** in Rent Case No.343/2012 whereby the tenants in the demised shops were ordered to hand over possession to Respondent No.2. Thus by order dated **08.9.2016** in FRA No.32/2014 the prayer of the Petitioner to set aside rent order and remand the rent case No.343/2014 automatically stands granted.

2. In view of the above, since the prayer of the Petitioner in the application under Order 1 Rule 10 CPC for remand of the case to the Rent Controller has become infructuous and consequently the order of refusing to implead the Petitioner in the FRA No.32/2014 has also become meaningless. The Petitioner was supposed to appear before the Rent Controller alongwith his brother, the joint tenant to contest the rent case. Therefore, this petition is dismissed alongwith pending application(s) having become infructuous.

JUDGE

Karachi
Dated: 24.12.2018

*Ayaz Gul/PA**