

IN THE HIGH COURT OF SINDH AT KARACHI

**Constitutional Petition No.S-2733 of 2018**

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DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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**Before: Mr. Justice Nazar Akbar**

Petitioner : Muhammad Jahangir, through  
Mr. Zubair Ahmed, Advocate.

**Versus**

Respondent No.1 : Aftab Ali Khan. Present in person.

Respondent No.2 : Learned VII Rent Controller, Karachi Central.

Respondent No.3 : Learned Vth Addl. District & Sessions Judge,  
Karachi Central.

Date of hearing : **24.01.2019**

Date of Decision : **14.02.2019**

**JUDGMENT**

**NAZAR AKBAR, J.** The petitioner through this constitution petition has challenged the concurrent findings of two Courts below. The VII-Rent Controller, Central Karachi by order dated **06.4.2018** allowed **Rent case No.212/2017** filed by Respondents No.1 and the V-Additional District Judge, Central Karachi by Judgment dated **13.12.2018** in **FRA No.122/2018** maintained the said judgment of Rent Controller.

2. Briefly stated the facts of the case are that the Petitioner was tenant in Shop No.3 in house bearing No.L-60, Sector 11-E, North Karachi. He defaulted in payment of rent from January 2014 onward. Respondent No.1/ landlord filed rent case for eviction of the Petitioner on the ground of default in payment of rent from January, 2014. The Petitioner in reply stated that he has been depositing the rent in MRC No.373/2014 from June, 2014. However, the two Courts

below held the Petitioner guilty of default in payment of rent on account of depositing rent in Court without any refusal from Respondent/ landlord. The Petitioner has also raised the question of relationship of tenant and landlord by declaring that Respondent No.1 has become owner of the property by way of gift deed and he was not informed by the Respondent. However, as observed by the trial Court, the Petitioner himself has deposited rent in MRC in favour of Respondent No.1 and, therefore, the question of relationship of landlord and tenant was merely an eyewash. Be that as it may, this constitution petition was filed on **22.12.2018** and the orders of the trial Court and appellate Court were not suspended. On **24.01.2019** when this case was called, Respondent No.1 has categorically stated before the Court that the trial Court has already satisfied the eviction order against the Petitioner through the bailiff on **17.01.2019**. He has placed on record copy of bailiff report of bailiff of VII-Rent Controller, Central Karachi in execution application No.17/2018 arising out of Rent case No.212/2017. The Petitioner's counsel has shown ignorance to it and he has filed even written arguments on **25.01.2019**.

3. I have gone through the written arguments which, too, do not disclose any misreading of evidence as admittedly there was no offer of rent and refusal by Respondent No.1.

4. In view of the above and particularly since the impugned orders are no more in the field as the execution has been completed, this constitution petition is dismissed.

JUDGE

Karachi  
Dated:14.02.2019