

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitution Petition No.2088 of 2017

Date	Order with signature of Judge
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Hearing/Priority Case.

1. For orders on office objection as at "A".
2. For hearing of main case.
3. For hearing of CMA No.9218/2017 (Stay).

17.04.2019

Mr. Iftikhar Javed Kazi, advocate for the Petitioner.
None present for Respondents.

Learned counsel for the Petitioner by relying on the judgment of Hon'ble Supreme Court reported as H. Cooper and others vs. State Life Insurance Corporation of Pakistan (**1994 SCMR 2115**) and without going into the merits of the case straightway submits that the Petitioner is ready to pay the entire amount of arrears of enhanced rent in installments from the date of order of the appellate Court. The figure as per his statement comes to **Rs.605000/-** and in terms of the order of the Hon'ble Supreme Court same relaxation may be extended to the Petitioner for the payment of the dues of enhanced rent. The relevant observations of Hon'ble Supreme Court in the above case are as follows:-

As regards the difficulty of the appellants for deposit of rent for about 10 to 12 years, sufficient time may be granted to the tenant for deposit of arrears of rent. Even an order for payment in installments can be passed to avoid the hardship, as a result of the act of the Court in consuming sufficient time in disposing of the rent applications. the appellants shall pay the arrears of rent in six (6) installments within the period of 18 months.

In view of the above, and since there is no contest from the other side I found it reasonable that the Petitioner is ready to pay the arrears of rent in 18 installments which comes to **Rs.33600/-** per

month towards the arrears of enhanced rent till **30.04.2019** and from May, 2019 he will pay the enhanced rent at the rate of **Rs.5500/-** as already ordered by the trial Court plus **Rs.33600/-** installment, therefore, he would be paying total amount of **Rs.39100/-** per month till adjustment of arrears of enhanced rent. Any default in payment of rent as ordered above his request would entail consequences of default.

Instant petition stands disposed in the above terms alongwith pending applications.

JUDGE

Ayaz Gul