

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP No.S-210 of 2019

Date	Order with signature of Judge
1.	For orders on office objection No.10, 26 & 32 as at 'A'.
2.	For hearing of main case
3.	For hearing of CMA No.681/2019 (U/o.39 Rule 1 & 2 CPC)

30.05.2019

M/s. Aqeel Hassan, & Shab Alam, advocates for the petitioner.
Mr. Haad A. M. Paggawala, advocate for Respondent No.1.

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This constitution petition has been filed against the order of ejectment on the ground of default in compliance of order under **Section 16(1)** of SRPO, 1979. The learned counsel for the petitioner admits that the tentative rent order has not been complied on the ground that there is dispute of ownership between the parties. The dispute of ownership or any other dispute between the previous owner and the respondent does not create an excuse for defiance of tentative rent order. A default in **Section 16(2)** SRPO 1979 is not a default in terms of **Section 15** of the SRPO, 1979, it is statutory default and therefore, no justification was acceptable. In this context the Hon'ble Supreme Court has held in the case of *Syed Asghar Hussain ..Vs.. Muhammad Owais and others (2018 SCMR 1720)* that the best course for the petitioner could have been to comply with tentative rent order under **Section 16(1)** of SRPO, 1979 and to have contested the matter to his logical conclusion, but he chose not to comply with the tentative rent order losing his right of defence. However, on being confronted with the aforementioned case law the learned counsel for the petitioner did not press this petition and request that six months' time may be granted from today for vacating the premises. Learned counsel for the landlord has no objection to such request subject to payment of rent. In case of default in vacating the premises on completion of six months right from today

the Executing Court will issue writ of possession with police aid on **30.10.2019** without further notice with permission to break open the lock.

In view of the above terms, instant petition stands disposed of.

JUDGE

SM