

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P No.S-1633 of 2014

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| Date | Order with signature of Judge |
|------|-------------------------------|

Hearing Cases (Priority)

1. For hearing of CMA No.7062/2014
2. For hearing of main case.

26.10.2018

Mr. Abdul Sattar Baloch, advocate for the Petitioner.
Mr. Syed Shafqat Hussain Shah, advocate for Respondent No.1

No constitutional right was accrued to the Petitioner to challenge the order impugned in this petition in 2014. However, under the cover of pendency of this petition which has been dismissed for non-prosecution on 09.10.2017, the rent proceedings are unofficially stayed or being slow down. Learned counsel for the Petitioner was asked to identify any provision of law or case law to satisfy the Court that how this constitutional petition was maintainable. It may be mentioned here that in terms of **Section 105** of CPC, irrespective of the fact that Civil Procedure Code is applicable or not in rent proceedings, any order of interim nature passed by the Rent Controller, if found adversely affect the final judgment can be impugned in the appeal against the final eviction order by the Rent Controller, meaning thereby that there is a remedy available to the Petitioner against the order impugned in this petition. Therefore, since the remedy is available to the Petitioner, therefore, the petition is not maintainable and the same is dismissed alongwith pending application(s).

Rent Controller is directed to expedite the rent case No.98/2014 and decide the same within three months from today.

Final copy of the judgment in the rent case No.98/2014 should be placed before this Court through MIT-II for perusal. If the learned Rent Controller failed to decide the rent case within three months, he will have to file an explanation. No ground of adjournment should be made for not deciding the rent case within three months.

JUDGE

*Ayaz Gul/PA**