

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P Nos.S-1659, 1660, 1661, 1662, 1663 and 1664 of 2017

Date	Order with signature of Judge
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Hearing of case

For hearing of main case.

18.10.2018

Mr. Muhammad Ikram Siddiqui, advocate for the Petitioners.

All these constitution petitions have been filed against the concurrent findings of the trial Court that the relationship of landlord and tenant does not exist. Learned counsel for the Petitioners himself has filed Civil Suit No.2290/2015 in which the Petitioners seek declaration of their title on the property. The very fact that the property seems to have been owned by a registered Trust and it has been sold by attorney of the Trust cost very serious legal doubts in the transaction in favour of the Petitioners. The Petitioners are, therefore, already before the Civil Court seeking declaration of their ownership meaning thereby that the title of all the Petitioners is still under clouds. Therefore, merely by sending notice under **Section 18** of the Sindh Rented Premises Ordinance, 1979 (SRPO, 1979), the relationship of landlord and tenant is not established. The respondents/tenants are depositing rent in the name of the previous owners. Apparently the issue of default has neither been decided by the trial Court nor the issue of default can be tried unless the Petitioners become the absolute owners of the property. These petitions are, therefore, dismissed since the civil suit of the Petitioners is pending. However, after the decision on the title they may issue fresh notice of **Section 18** of SRPO, 1979 to the tenants and seek remedy in accordance with law.

With the above observations all the above petitions are disposed of alongwith pending application(s).

JUDGE