

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**CP No.S-1077 of 2010**

Date	Order with signature of Judge
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1. For hearing of CMA No.4881/2010 (stay)
2. For hearing of Main Case

**26.10.2018**

Mr. Faisal Shahzad Malik, advocate for petitioner.  
None present for the Respondent.

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This constitution petition has been filed against concurrent findings of the two courts below. The petitioner says that on account of having become owner of the property in question he has filed an application before Rent Controller for realizing the rent from the MRC in which occupants / tenant were depositing the rent. This is an admitted position that in the MRC the petitioner was not party. Irrespective of the fact that he was owner or not before and after filing of MRC by the Respondent, the ground reality is that rent has been deposited in the name of somebody else and not in the name of the petitioner. Therefore, both the Courts below have rightly refused to allow the application of the petitioner for withdrawal of rent from MRC. Learned counsel for the petitioner stated at the bar that he has already filed suit for declaration, which is pending. Be that as it may, whatever may be the right acquired to the petitioner in his civil suit he will have right only then. As of today and even before the Rent Controller and Appellate Court, the petitioner cannot raise any claim since he is not party in rent case.

Petition having no merit is therefore, dismissed.

JUDGE