

IN THE HIGH COURT OF SINDH AT KARACHI

**C.P No.S-1678 of 2018**

**Present: Mr. Justice Nazar Akbar**

Petitioner : Custom Public School,  
through Mr. Khalid Rajper, advocate.

Respondent No.1 : Aftab Ahmed  
(present in person).

Respondent No.2 : XIth Addl. District & Sessions Judge,  
Karachi-South.  
(Nemo)

Respondent No.3 : Xth Rent Controller, Karachi-South.  
(Nemo)

Date of hearing : **14.11.2018**

Date of decision : **07.12.2018**

For hearing of CMA No.9404/2018 (Restoration)

**ORDER**

**NAZAR AKBAR, J:-** This is an application for restoration of constitution petition since it was dismissed by order dated **25.10.2018.**

After hearing learned counsel was directed to file written argument on the merit of the petition. I have gone through the synopsis of written argument. In the synopsis he has reproduced averments from the memo of petition. The order impugned in this constitution petition was an order of dismissal of First Rent Appeal No.47/2018, on the ground that the appeal was hopelessly time barred. The fact which he could not controvert was that the order of the Rent Controller dated 11.4.2017 remained unchallenged for more than eight months and it was challenged in appeal in January, 2018 without any justification or even a formal application for condonation

of delay. Even in the written synopsis no ground has been advanced for explaining the delay. The order passed by the Rent Controller was within the powers of the Rent Controller to pass such an order and the jurisdiction of the Rent Controller has not been challenged by the petitioners at any forum. Therefore, appeal has been rightly dismissed being hopelessly time barred. The appellate Court has referred to several case laws and the learned counsel for the petitioner even in the synopsis of his arguments has not commented that the reliance placed by the appellate Court on the case law was out of context. Since the impugned judgment is based on the law laid down by the Superior Court was perfectly within the parameters of law. Therefore, this petition is dismissed with no order as to cost.

In view of the above, restoration application is also disposed of.

**J U D G E**

Karachi  
Dated:07.12.2018.

*SM*