

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S – 679 of 2021

Date	Order with signature of Judge
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1. For hearing of CMA No.4356/2021 (Stay) :
2. For hearing of main case :

12.10.2021 :

Mr. Liaquat Ali Khan, advocate for the petitioner.

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Ms. Asma Khan advocate files power on behalf of respondent No.1, which is taken on record.

The petitioner / tenant has impugned the order dated 14.11.2019 (page 19) whereby his defence was struck off by the learned Rent Controller and the matter was fixed for final arguments. Perusal of the impugned order shows that the evidence of respondent No.1 / landlord had completed and his side was closed in the year 2016 whereafter the petitioner was partly cross-examined, but thereafter the matter could not proceed in view of the adjournments sought by him / his counsel for one reason or the other. It was observed in the impugned order by the learned Rent Controller that several opportunities were granted to the petitioner and his witness(s) to appear for cross-examination, but they failed to do so.

Learned counsel for the petitioner has failed to justify the continuous absence of the petitioner at the time of his evidence and/or to point out any illegality or infirmity in the impugned order. The impugned order does not appear to be harsh or unjust as admittedly several opportunities were granted to the petitioner to lead evidence. There has to be a limit of granting time to a party to lead evidence and it should not be allowed indefinite time to do so at its own sweet will or convenience. In any event, it is well-settled that an interim order passed in rent proceedings under the special rent law cannot be called in question under the constitutional jurisdiction of this Court unless such order is without jurisdiction or in excess of jurisdiction. In the above circumstances, the petition and listed application, being misconceived and not maintainable, are dismissed with no order as to costs.

J U D G E