

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S – 858 of 2021

Date	Order with signature of Judge
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1. For orders on CMA No.5571/2021 (Urgency) :
2. For orders on CMA No.5572/2021 (Stay) :
3. For hearing of main case :

08.11.2021 :

Petitioner Zahid Hussain present in person.

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NADEEM AKHTAR, J. – Rent Case No.342/2020 was filed by respondent No.3 / landlord against the petitioner / tenant for his eviction, wherein a tentative rent order was passed by the learned Rent Controller on 24.03.2021 under Section 16(1) of the Sindh Rented Premises Ordinance, 1979. Through the aforesaid order, the petitioner was directed to deposit the arrears of rent in terms of the said order within fifteen (15) days, and also to deposit future monthly rent on or before the tenth day of each English calendar month at the rate of Rs.5,500.00 per month. He was further directed by the aforesaid order to deposit the utility bills of the demised premises and to submit copies thereof before the Court on monthly basis without fail. As compliance of the aforesaid order was not made by him, his defence was struck off by the learned Rent Controller through the impugned order passed on 02.09.2021 under Section 16(2) of the Ordinance of 1979, with further direction to him to vacate the demised premises within sixty (60) days. First Rent Appeal No.97/2021 filed by the petitioner against the aforesaid orders was dismissed by the learned appellate Court vide impugned judgment dated 16.10.2021.

It is contended by the petitioner that while passing the order under Section 16(1) of the Ordinance of 1979, the learned Rent Controller did not consider the deposits made by him in Court. Perusal of the said order shows that after considering this aspect, the learned Rent Controller came to the conclusion that the petitioner had failed to deposit the monthly rent for the months of May, July, August, October and December 2020 and January and March 2021 ; and, the monthly rent for the remaining months was not deposited by him within the stipulated period i.e. before the tenth day of each month. The petitioner has not been able to point out any

illegality or infirmity in the aforesaid finding of the learned Rent Controller. It is well-settled that once a tentative rent order is passed in accordance with law, compliance thereof must be made by the tenant and in case of its non-compliance, the Rent Controller does not have any other option, but to strike off his defence. This view is fortified by *Safeer Travels (Pvt.) Ltd. V/S Muhammad Khalid Shafi through legal heirs, PLD 2007 S.C. 504.*

The impugned order is in accord with the law laid down by the Hon'ble Supreme Court and as such does not require any interference by this Court. Accordingly, the petition and listed applications are dismissed in limine with no order as to costs.

J U D G E