

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S – 873 of 2021

Date	Order with signature of Judge
------	-------------------------------

1. For orders on CMA No.5697/2021 (Urgency) :
2. For orders on CMA No.5698/2021 (Exemption) :
3. For orders on CMA No.5699/2021 (Stay) :
4. For hearing of main case :

11.11.2021 :

Mr. Abdul Nabi, advocate for the petitioner.

.....

NADEEM AKHTAR, J . – Rent Case No.758/2018 filed by respondent No.1 / landlord against the petitioner / tenant for his eviction on the grounds of personal need and default in payment of monthly rent was allowed by the learned Rent Controller vide order dated 26.11.2018 on both the aforesaid grounds. Vide impugned order dated 26.10.2021, F.R.A. No.37/2021 filed by the petitioner against his aforesaid order of eviction was dismissed by the learned XIIth Additional District Judge (Model Civil Appellate Court) Karachi South as being barred by limitation.

Record shows that the application for obtaining the certified copy of the eviction order dated 26.11.2018 passed by the learned Rent Controller was filed by the petitioner on 18.02.2021 which was delivered to him on the same day ; and, the appeal was presented by him before the learned appellate Court on 22.02.2021. It was held by the learned appellate Court that the appeal filed by the petitioner was barred by twenty seven (27) months. It is important to note that the limitation of thirty (30) days prescribed in the Sindh Rented Premises Ordinance, 1979, for filing an appeal had already expired when the application for certified copy was filed by the petitioner. The dates noted above and the fact that the appeal filed by the petitioner was barred by limitation, are not disputed by his learned counsel. In the above circumstances, the impugned order does not suffer from any illegality or infirmity 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